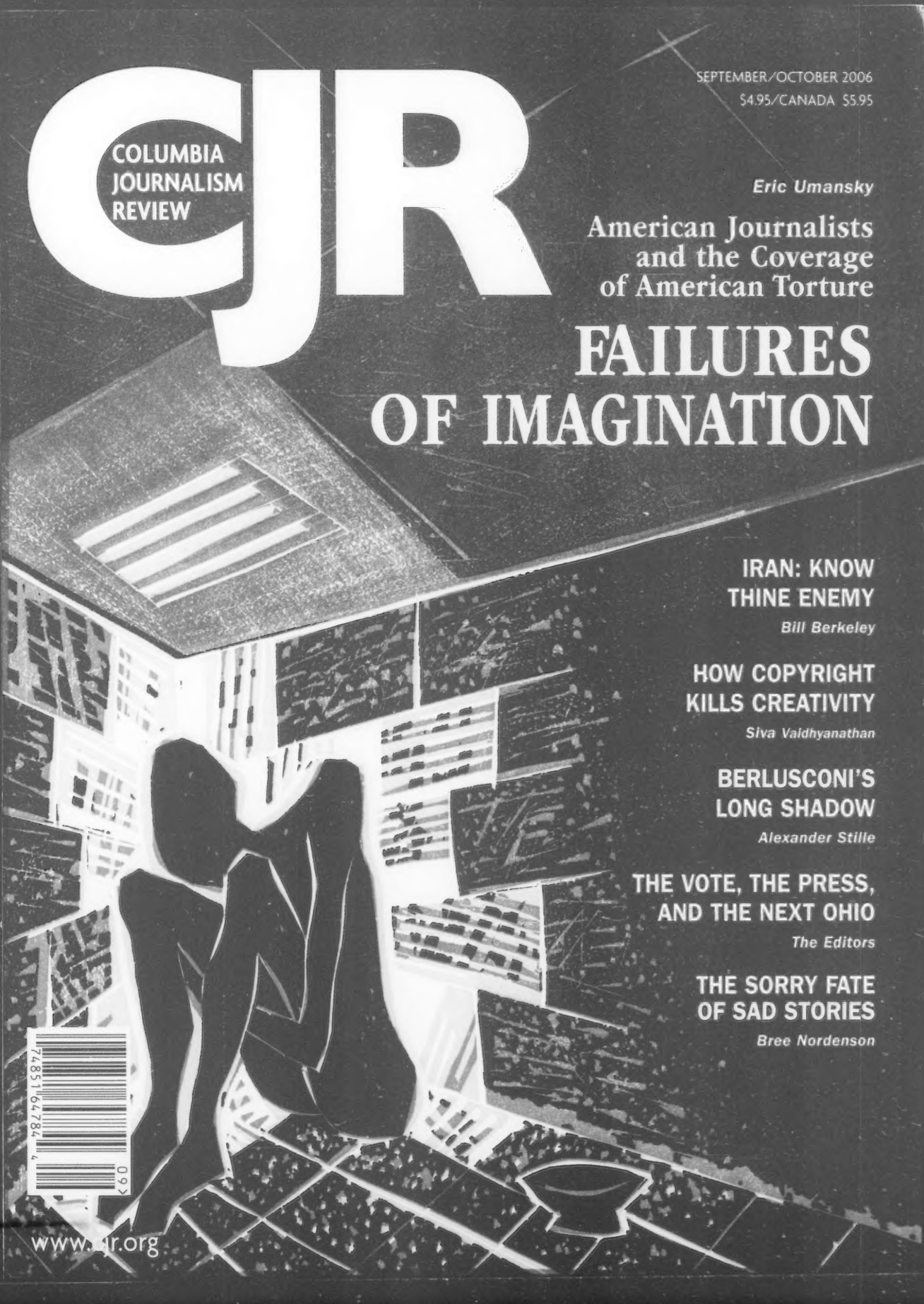


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REVIEW

SEPTEMBER/OCTOBER 2006

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Eric Umansky

American Journalists
and the Coverage
of American Torture

FAILURES OF IMAGINATION

IRAN: KNOW
THINE ENEMY

Bill Berkeley

HOW COPYRIGHT
KILLS CREATIVITY

Siva Valdhyanathan

BERLUSCONI'S
LONG SHADOW

Alexander Stille

THE VOTE, THE PRESS,
AND THE NEXT OHIO

The Editors

THE SORRY FATE
OF SAD STORIES

Bree Nordenson



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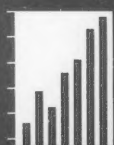
-Walter Cronkite, July 2006

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OPENING SHOT



CAROLINA SALGUERO

The View From Here

Five years ago, American journalism looked out its proverbial window, saw the awesome relevance of foreign news, and vowed to do better. Since then there has been some stellar reporting from Afghanistan, Iraq, and elsewhere. There have also been some costly journalistic failures. In our cover story, Eric Umansky examines one of them — the coverage of torture — and concludes that the press was late on this story in large part because of a reluctance to believe that Americans would do those things, and, at the same time, a squeamishness about exposing such behavior in the wake of September 11. Earlier and better reporting on torture might have changed history. Now comes another challenge — Iran. In his essay on a slew of new books about that nation, Bill Berkeley demonstrates how dangerously ill-informed the press is about one of our most complicated antagonists. Both of these failures stem from an inability to see beyond the prism of the West. Both could be remedied with more foreign bureaus, more reporters and editors who know the rest of the world inside and out. We vowed to do better. It's time to make good on that promise. **CJR**

The scene from a window in the *Wall Street Journal* offices at One World Financial Center on September 18, 2001.

CJR

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— From the founding editorial, 1961

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THE LOWER CASE INSIDE BACK COVER

COVER: RAYMOND VERDAGUER

"There was a sense of patriotism, and you felt it in every question from every editor."

— Carlotta Gall, p. 16

EDITORIAL

GUARDING THE VOTE

The press and the lessons of Ohio

In this issue's cover piece, Eric Umansky points out that journalists not only seek to publicize truths but also help determine which truths count. A story's tone, its placement, and whether it gets followed up all have something to do with whether it is perceived by the public as a big deal. Sometimes the press seems leery of making that determination.

The possibility of manipulation of the vote in national elections is that kind of story. It's as if we don't want to go there. Consider the battleground state of Ohio in the 2004 presidential election. As in Florida in 2000 — when Katherine Harris was both secretary of state and co-chair of the Bush-Cheney state campaign committee — Ohio's secretary of state, Kenneth Blackwell, was also co-chair of Bush's re-election campaign in Ohio. And as in Florida, there was controversy.

But it didn't get too much mileage. For one thing, unlike Florida's razor-thin 537-vote margin in 2000, Bush officially carried Ohio by some 136,000 votes. Tales of vote manipulation were generally covered either as small potatoes or as squawks from the loony left (which some were). The story never quite went away — *The Washington Post* and *The Columbus Dispatch* dipped in, among other papers, as did *Vanity Fair*, *Harper's*, *The American Prospect*, and a couple of books. When the ranking Democrat on the House Judiciary Committee, John Conyers Jr., issued a measured but blistering report that found "numerous serious election irregularities . . . which affected hundreds of thousands of votes," Ohio got another few minutes in the spotlight.

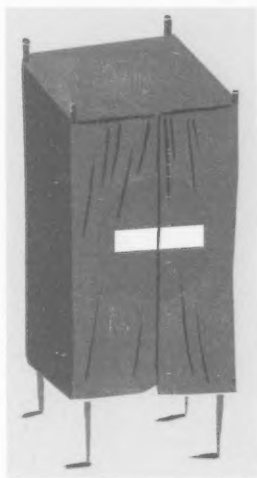
Ohio popped up again in a June 15 piece in *Rolling Stone* by Robert F. Kennedy Jr. The headline asked, "Was the 2004 Election Stolen?" Kennedy thought so. But most of the media yawned. *The New York Times*, typically strong on voting controversy, dealt with the *Rolling Stone* story in its abysmal Sunday Styles section with a profile of Kennedy that managed to mention the

drug problem he had some twenty years ago, but not to fairly present his argument. One outlet that did not ignore the piece was *Salon*, where the staff writer Farhad Manjoo asserts that he takes Kennedy's argument apart, but, upon close inspection, much of the *Rolling Stone* analysis survives. And Manjoo does not address a lot of what went wrong in Ohio.

There were barriers to registration, such as Blackwell's insistence that registration forms had to be a particular weight of paper, thus blocking many prospective voters. There were purges of voting rolls, such as an arbitrary implementation — just before the election — of an Ohio law that invalidated voters' registrations if they had failed to vote in the previous two elections, as well as the use of an illegal mailing tactic called "caging" to strike voters from the rolls if they failed to respond in time to a letter to their address of record. There was extremely poor distribution of voting machines in heavily Democratic urban areas.

In his recent book, *Stealing Democracy: The New Politics of Voter Suppression*, Spencer Overton points out that in our country the will of the people is channeled through a matrix of rules and regulations that can "filter out certain citizens from voting." And that in our closely divided political environment, that can make all the difference.

We're not making the case that the election of 2004 was stolen, and we'd rather look ahead than back. But we *are* arguing that intolerable things happened in Ohio that merited more sustained attention from the national press. And that targeting particular groups for vote suppression is reprehensible, yet effective, and will continue unless challenged. (In late August, *Salon* named six states that appear ripe for trouble.) Guarding the democratic process is part of the journalistic mission, and with another election approaching, now is the time to think about that. Suppressing democracy is, yes, a big deal. **CJR**



LETTERS

DARK 'MAGIC'

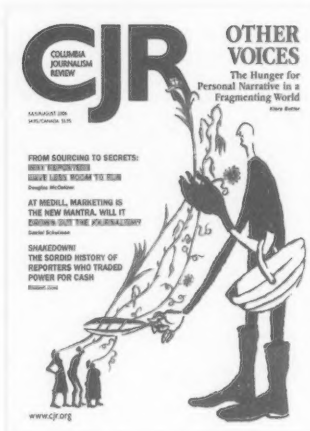
Northwestern University's Medill journalism school is undeniably hastening the demise of journalism as a bulwark of freedom, and I was disappointed that Daniel Schulman was so "balanced" in his report about the new dean there, John Lavine ("The Magician," *CJR*, July/August). For a long time I've thought journalism schools should teach p.r. and marketing — in order to prepare journalists to contend with the enormous world of spin, not join it. Lavine's Venn diagram is an insidious assault on the fundamental values and principles of journalism, corporate-speak made graphic and about to be inserted perniciously into the mental apparatus of budding journalists.

We've seen the profession as a whole disappoint us terribly in recent years — on Iraq and global warming, for example, because it fell prey to pretty basic techniques of "communication" and "messaging" and stayed so literally faithful to "balance." We must find a way to restore and protect the profession's ability to tell the truth to power, and to the public. That's a project worth reconstructing a school of journalism around.

David Sassoon
Brooklyn, New York

I read with great interest Daniel Schulman's story on Medill's new dean, John Lavine. As a Medill grad (MSJ '77) and someone who has spent more than twenty years running large, metropolitan television newsrooms, I think Lavine is absolutely on the right track in his efforts to create greater academic — and practical — synergies between the journalism curriculum and that of its counterpart at Medill, Integrated Marketing Communications.

The sad reality is that far too few journalists today — regardless of their medium — seem to understand or care much about the composition or the needs of their audiences. As a result, newsroom efforts to better serve the



constantly evolving news consumer are often met with trepidation, suspicion, and sometimes even downright disgust.

Traditional media are at a real crossroads now as they try desperately to shake off a label of "insignificant" given them by a growing number of Americans of all ages who find the press irrelevant and far from essential to their daily lives. I hope Lavine is successful in his efforts to create a curriculum which will encourage tomorrow's journalists to better understand — and serve — their increasingly fragmented audiences.

Mike Cavender
Atlanta, Georgia

MY SON'S HEADLINE

I am sorry for the pain Robert Kochersberger has had to deal with as the father of a "troubled child" ("My Son's Crime," *CJR*, May/June). Who among us does not have a family member whose deeds or misdeeds bring embarrassment or shame or sorrow that would be difficult to bear if they became the subject of news stories?

Still, at the risk of sounding like one of those arrogant, uncaring reporters, I am afraid I don't quite understand his objection to the manner in which his son's story was handled. He clearly is wrong that in no crime stories "are the names and occupations of a twenty-six-year-old

defendant's parents relevant." Do the names Jenna and Barbara Bush come to mind? Though his family certainly isn't in the same league of prominence as the president's, Kochersberger's account leaves out one highly relevant fact: his son, though twenty-six, was living at home when the charges were filed. Also, these are not "minor" crimes his son has been accused of committing, but rather four alleged robberies (a fast Web search does not reveal whether the charges have been resolved). In this era of the blogdom, where every step or misstep on the part of the dreaded "MSM" is scrutinized down to every comma and semicolon, leaving out the fact that Kochersberger occasionally writes for the newspaper in question (the Raleigh, North Carolina, *News & Observer*) could well have produced charges that the paper was protecting its own.

Given these circumstances, I think the newspaper did the right thing. Yes, we should teach our student journalists to be more sensitive to the needs and feelings of our sources and our audiences. But first we must teach them to report what we find "without fear or favor." Sometimes it hurts people we would rather not hurt. However, for more than two centuries in this country, we have agreed, generally, that society is better off when it has more information, rather than less.

Wendell Cochran
Division director, Journalism
American University
Washington, D.C.

GOSPEL TRUTH

In response to the Dart hurled at me in the July/August *CJR*, I find it ironic and sad that such a shoddy stumble through erroneous conclusions and misstated facts passes for "journalism" in, of all places, the *Columbia Journalism Review*.

The Dart first failed to make it clear that my "Final Thoughts" segment was a designated and extremely well-identified

commentary segment in which I was allowed to say whatever I wanted from my heart. That my heart and opinions are shaped by the word of God in the Bible makes neither less valid.

Further, the Dart makes reference to my "high-paying" job as an anchor while chastising me for seeking a religious accommodation under Title VII. Even a cursory reading of this federal act would help CJR understand that whether one is a minimum-wage restaurant worker or a highly paid broadcast journalist is irrelevant to seeking protection from discrimination.

But I find the most egregious error to be incorrect reporting about the demise of my "Final Thoughts" segment. It most definitely *was not* dropped in 2004, as CJR puts it, "after viewers complained." In spite of the fact that some viewers had been expressing their contrary opinions since the segment began in 2002, the complainers were drowned out by supporters by at least 100 to 1.

CJR also failed to report that those "Final Thoughts" played a large role in boosting the ratings and demographics of that unique single-anchor 7 p.m. broadcast higher than our closest competitor's main 5 p.m. news offering. The only reason for the segment's demise was a regime change in the newsroom. The courageous news director who began the segment left and the incoming boss didn't care to back my bold opinions expressed on *any* topic, including Christianity.

For context, it needs to be made clear that along with being a nightly news anchor I operate a full-time, full-service ministry, a ministry Web site, and am a full-time Christian evangelist, speaking in up to forty local churches to thousands of people (who are also viewers) a year. Expressing my Christian views, even on secular newscasts has become widely expected and accepted in this market. In a medium with a decidedly un-Christian agenda, I bring balance.

Since being immediately and miraculously delivered and physically healed by the Lord Jesus Christ from the ravages

of twenty-five years of drug addiction and paralyzing anxiety in 1999, I have in all forms of media been an outspoken and bold witness for the power that accompanies salvation by faith in Christ. I would have happily discussed all of this with CJR if the writer had made any but the weakest attempt to reach me with a cryptic e-mail slipped among a flood of speaking requests at my Web site.

Frank Turner
News anchor, WXYZ-TV
Detroit, Michigan

The editors respond: First, the e-mail left on the booking-request form on Turner's Web site was a last-ditch effort to get his attention after numerous, explicit, and urgent messages left at the station — including at least two with the newsroom secretary — failed to elicit a response. CJR's fact-checker also left messages, similarly ignored. Second, the accurate reference to viewers' complaints was based on an editor's interview with a WXYZ-TV executive who described Turner's Final Thoughts commentary as an "experiment" that had understandably offended some non-Christian viewers and was subsequently dropped. Turner's current dispute with management, as readers may recall, centers on WXYZ's refusal to waive the exclusivity clause in Turner's contract so that he could take a second job with a gospel radio station, and the resulting discrimination complaint about this he filed with the EEOC. In CJR's view, the discrimination charge is specious, and the Dart would be just as valid if the news anchor had sought to moonlight for any kind of broadcaster, whatever the station's cause.

CORRECTION

AIPAC is an abbreviation for the American Israel Public Affairs Committee, not the American-Israeli Political Action Committee, as we had it in the July/August issue. We regret the error.

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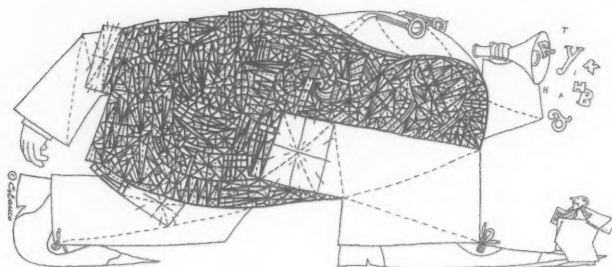
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VOICES



GLAUCIO DELLA SCIUCCA

BY BREE NORDENSON
SAD STORIES

Do readers need redemption?

When I entered Columbia University's journalism program in August 2005, I was excited about the prospect of searching out untold stories. So for my core reporting and writing course, I chose Brownsville, a poor and relatively violent Brooklyn neighborhood, as my beat. It proved an excellent choice. I never ran into another reporter, and there were stories everywhere. One of the first stories I wrote was a profile of a woman whose ten-year-old son found a gun and accidentally shot an eleven-year-old girl in the face. I waited outside the woman's apartment building for more than four hours, and when I finally met her, I was not surprised to learn that her life had been almost entirely defined by preternaturally bad luck. What was surprising, however, was my professor's criticism of the profile. He said that the "relentlessly awful" events of the woman's life made the piece virtually unreadable.

That fall, I took a course in profile writing from another professor. He was dubious about my proposal to chronicle the mental health struggles of a Vietnam veteran, and said that unless there was a silver lining to the story, no one would want to read it. I switched into the other profile writing section and began working on a piece about a talented but troubled jazz drummer in Harlem. Other students wrote about pi-

geon keepers, a Spiderman impersonator, an African immigrant, and a line-dancing instructor. At one point, our professor told us that she had never taught a class that was so interested in what she called "the underdogs."

At around that time, for yet another class, I had begun reporting on the separation of families in Latin American immigrant communities. I chose to write the piece as a profile of an Ecuadorian couple in Queens, Elena and Carlos, who had been separated from their three children for eleven years. In his comments on my first draft, my professor wrote that the principal problem with the piece was that it was "unrelentingly boo-hooey." In later meetings, he suggested that I incorporate some "black humor" into the story.

I began to wonder, how *should* journalists approach "depressing" stories? Are there ways to make such stories more interesting without compromising their veracity? Must sad stories be relegated to specialized series on poverty or to a philanthropic section like "The Neediest Cases" in *The New York Times*? My radio documentary professor repeatedly warned that listeners tune out when they hear stories about human suffering and tragedy. "The essential problem of journalism," he told us, "is that people don't care about what they should care about."

Depressing stories are often framed as dramatic narratives in an attempt to make them more palatable to readers. In a recent article in the *American Journalism Review*, Stephanie Shapiro identified an increase in "anguishing" human-interest stories in major U.S. newspapers. She noted that

most such stories "offer lessons in spiritual stamina and redemption." Mitzi Waltz, a journalist who writes frequently about autism and other disabilities, expressed concern over this predilection: "Editors will buy a cure story, but have little interest in the less dramatic 'muddling through' story that's far more common," she told Shapiro.

Yet depressing stories that lack a note of redemption or recovery aren't pointless. In her graduation speech, Rebecca Castillo, our class president, spoke of her struggle with dyslexia and the hope she derived from reading articles about it. She said that stories about how other dyslexics coped with their disability — without necessarily conquering it — gave her the confidence to

**My professor called my piece
'unrelentingly boo-hooey' and
suggested that I might incorporate
some 'black humor' into the story.**

pursue her dream of becoming a journalist. During my interviews with Carlos and Elena, I was acutely aware of their feelings of isolation. They expressed the irrational belief that they had not achieved the American Dream because they had not worked hard enough. They had always compared themselves to what they had read or seen on television — stories of immigrant success — and were comforted when I told them about the plights of other immigrants I had interviewed.

If the media were to offer more "muddling through" stories — stories that lacked a spoonful of sugar — would it turn off their targeted readers and viewers (a largely affluent, which is not to say problem-free, bunch) who have grown accustomed to a news diet that tends to reflect their lives and interests? Would these consumers find sad stories about people struggling with problems they can't relate to overly depressing, or even boring?

My journalism professors didn't seem to have the answers to my questions, and many of them acknowledged (at least tacitly) a jaded reaction that comes with a long stint in any profession. They did, however, arm me with the reporting and writing

skills necessary to make sad stories more than just sad. I was able to improve my profile of Carlos and Elena by discussing the extent of family separations among Latin American immigrants and by explaining the absurdity of some of the immigration policies they must contend with. I also added scenes involving an immigrant-rights activist and a psychologist, thereby giving the reader a reprieve from the couple's suffering and from what my professor referred to as their "lonesome apartment."

I spoke with several journalists about the challenge of writing depressing stories, and they all stressed the importance of moving beyond the mere presentation of injustice to construct narratives that emphasize unpredictable details and complex (and therefore more human) characters. In other words, we must report and write sad stories in such a way that they resist our readers' expectations, and our own, and avoid falling back on caricature and cliché. But it takes time and space — precious commodities in journalism — to do that, which may explain why many sad stories are published as part of special series.

While it's true that readers want to see themselves reflected in their newspapers, they also want to learn. I take comfort in a statement by Jack Fuller, the former president of Tribune Publishing, in the last chapter of his book, *News Values*: "Human nature drives people to take an interest in that which they do not know." If journalists can exploit human curiosity with talented storytelling, depressing stories should be neither a risk to publish nor a chore to read. ■

Bree Nordenson is an assistant editor at CJR.

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BY LUCIA GRAVES

WHERE'S WALDO?

J-schools wise up to grad-tracking

The *New York Times* article caught my eye. JOURNALISM SCHOOLS ARE STILL BOOMING, said the headline. That's nice, I thought. As a college senior considering J-school, I was interested. I kept reading and learned that "the newspaper industry cut more than 2,000 jobs last year as it continued to lose readers and advertisers to the Internet." That's . . . less nice. The worry set in. If supply is high and demand is low, what happens to all those J-school graduates?

They're starving and unemployed, said the skeptic in me.

The optimist in me replied, *It's not that there are no jobs — there are new jobs.*

Like what?

I don't know.

The skeptic wanted to know.

A few days later the skeptic was on the phone. Having narrowed the search to master's programs in journalism, I had scoured a dozen schools' Web sites for evidence of what becomes of their graduates. Information was scarce.

"Do you track your graduates?" I asked. The

answer was yes. But when I asked if I could see the data, the answer was no. "Why not?" I pressed.

Tracking is difficult, I was told, and there is currently very little data. What has been gathered is mostly anecdotal, and anyway it's confidential.

"About a hundred percent of our students are employed after six months," said Sengsavanh Phousavanh, assistant director of career services at the University of Missouri journalism school. "We've got great numbers," she said. "It's just hard for us to get graduates to report it."

The skeptic noted that newly minted reporters were too busy (or too something) to report, and J-school authorities were withholding information.

But wait, the optimist said, it's not that J-schools are doing something bad, they're just missing an opportunity to do something useful. Other professional schools — business, law, engineering, medicine — have figured out the importance of keeping detailed information on their graduates, and track it diligently. Their Web sites commonly offer voluminous reports going back five or ten years. Business schools even have a national organization to standardize data, the MBA Career Services Council.

J-schools, though, have never gotten their act together on the problem. *U.S. News & World Report* stopped ranking journalism graduate schools in the mid-1990s when the schools complained that the rankings — which in the absence of statistics were based entirely on peer review — weren't credible.



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Actually, there is some good data, but it's centralized, and you have to know where to look. Several journalism schools, while not providing their own data, did point me to an important resource, the Annual Survey of Journalism and Mass Communication Graduates conducted by Lee Becker at the University of Georgia's Cox Center. Founded in 1964, this national study samples nearly ninety journalism programs.

Some of the findings are encouraging. The most recent study, released in August, shows that unemployment has decreased for the second year in a row, with jobs in online media growing especially fast. Three in ten graduates are writing and editing for the Web, up from two in ten a year ago. Unfortunately, since students are queried just six months after graduation, the study leaves key career-path issues unilluminated. Also, the study tracks only undergraduates. Still, it is a unique resource, offering a long view (over decades) and a broad view (across the nation).

Then at the University of Texas the dogged optimist found a new study that surveys graduates five years out. "It just came off the photocopier," said Matt Berndt, director of career services. The study found, among other things, that graduates were highly mobile. Fifty-seven percent had contracts for two years or less. But despite the lack of stability, job satisfaction was high, with 86 percent of graduates reporting that they were either very or somewhat satisfied with their job.

Meanwhile I discovered that two other universities — the University of California at Berkeley and Columbia — have just conducted five-year-out studies but have not yet processed the data. And I learned that the University of Southern California has a new full-time employee whose job is to track graduates.

Evidently the idea of gathering data from graduates, systematically and over time, is gaining traction.

Collecting this data would be a major undertaking for schools (even Berndt's study, though the sample size was large, had a response rate of only 18.5 percent), but it could have many potential benefits and beneficiaries. Students would have a barometer for the job market, and schools could measure the efficacy of the education they provide and adjust their curriculums accordingly.

So we should all encourage journalism schools to gather such information and make it available. Recent graduates are the probes sent out into the perhaps hostile, perhaps fertile, new universe of media. They have valuable information, not just about where their paychecks are coming from, but about what was most useful in their coursework, and what new skills they are acquiring on the job. Schools need to make clear to students that they have a responsibility to send data back to the mother ship, and maybe provide an incentive for them to do so. And ideally, schools could adopt standards and share techniques.

Reviewing her notes at the end of the day, the skeptic couldn't help but chuckle. Many were strikingly similar. "We're preparing to send out a survey," said one. "We're about to do a survey," said another. Said a third, "We're in the process of revamping." And a fourth, "We are in the process of trying to revamp . . ."

The optimist was pleased. ■

Lucia Graves is an intern at CJR.



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BY FRANCIS HAMIT

STOP, THIEF!**Copyright needs a small-claims court**

The idea of a small-claims court for copyright violations has been getting a little buzz lately. The U.S. Copyright Office mentioned it briefly in a recent report, and it inspired a day of congressional hearings soon afterward. Is such a court a good idea? Could it work?

Yes and yes. Based on my own experience as a plaintiff in two copyright suits — over copyright infringement and violations of copyright management information, both of which were settled in my favor — I know that the current law provides a huge safety zone for big media companies who choose to ignore the law, legal precedents, and the complaints of freelancers like me (see also “Copyright Jungle,” page 42). Unless the freelancer is bold enough to sue.

And suing does require boldness. If you are dependent upon freelance writing for your living, threats, subtle and otherwise, may come your way.

No lawsuit is easy, and copyright is no exception. The only place you can bring a copyright lawsuit is in a federal district court. To do so, you must have registered your copyrights with the U.S. Copyright Office and have them in hand. Many find registration a daunting process. The forms are confusing, there is a \$45 fee, and you must register your work within ninety days of publication if you are seeking statutory damages for infringement. There is also a three-year statute of limitations from the date of publication.

ASSISTANT PROFESSOR OF JOURNALISM

Ohio Wesleyan University invites applications for a tenure track appointment as an assistant professor of journalism beginning in August 2007. The successful candidate will teach courses in basic news writing and reporting, editing, public affairs reporting and media law or journalism history. Ability to teach media law and journalism history a plus, as is knowledge of computer-assisted reporting. The successful candidate will advise and critique each edition of the student newspaper, which is a laboratory for the journalism program. Qualifications: M.A. required, Ph.D. preferred; at least one year of professional experience as a newspaper, magazine or broadcast reporter required; college-level teaching preferred. Please send letter of application, resume, syllabus, statement of teaching philosophy, teaching evaluations (if possible) and three letters of recommendation to: Professor Trace Regan, Chair, Search Committee, Journalism Department, Ohio Wesleyan University, Delaware, Ohio 43015. The review of applications will begin on November 1, 2006; and applications will be accepted until the position is filled. Ohio Wesleyan University is an affirmative action/equal opportunity employer strongly committed to diversity within its community.

OHIO WESLEYAN UNIVERSITY

Registration is *prima facie* evidence of your ownership, and media-company lawyers are quick to ask if you have registered your work. If you haven't, they know they don't have to worry about you because you can't sue. But even if you have registered, they know that it would still cost you thousands of dollars to file a suit, and thousands more should you get to trial. They know, too, that your chances of being heard on a small case are extremely unlikely. You must have a \$75,000 minimum claim amount to file, and most freelancers have not done enough work for a single publisher to reach that level. That alone argues for some kind of small-claims court.

Most copyright-infringement cases are settled before trial and the settlements are sealed. Yet most of the cases that do go to trial reveal that copyright law is actually very simple. It is about property and money, nothing more. The settlements are arranged and supervised by a federal magistrate judge, whose primary task is to get the case off the docket.

These settlements provide a possible model for a copyright small-claims court. There is either a case or there is not. If there is, then the parties negotiate a settlement. Like other small-claims courts, the one I am advocating needs to be accessible to nonlawyers. Litigants may require paralegal assistance to place the original complaints in proper form, though it may be possible to reduce the complaint to a simple checklist.

In such a court, once the clerk approves a complaint and the defendant is allowed to answer, there would be an informal hearing before a magistrate judge. The purpose of the court would be to allow ordinary citizens a venue to seek redress for easily proved violations of their copyrights. Written contracts would be admitted as evidence. Oral agreements would be given less weight, as they are now. There would be a limit on the amount of damages awarded: perhaps no more than \$10,000 on each count for particularly egregious violations and instances of bad faith. The federal courts place great store on the concept of “reasonableness” in such cases, and this would not be the venue for making case law or seeking revenge.

All of this would be in addition to the current system, not a replacement. A working small-claims court for copyright would satisfy the constitutional and property rights inherent in copyright. Its very existence would make big media companies considerably less cavalier about violating copyright law. ■

Francis Hamit is a longtime freelance writer. His Civil War novel, The Shenandoah Spy, is being serialized by Amazon.com in its Amazon Shorts section.

STATE OF THE ART

AL-JAZEERA'S NEW GLOBAL GAMBLE

The fighting in Lebanon and its aftermath — the complex interplay of internal, regional, and global interests — is a story Al-Jazeera International was born to tell. Or rather, *conceived* to tell. The new English-language channel says it is on the eve of launching, but at press time it was still waiting to clear technical and distribution hurdles. For now, its journalists must stand by and watch others do the job. It is precisely that coverage, which they say is incomplete, that inspired them to sign on to Al-Jazeera's vision.

Al-Jazeera International wants nothing less than to break the Western monopoly on the telling of history, by expanding the spectrum of perspectives participating in English-language discussion of world issues. To do so, the channel will broadcast from four coequal centers around the globe

— Kuala Lumpur; Doha, Qatar; London;

and Washington, D.C. Each will share the on-air day by following, literally, the path of the sun, offering world news — the same event even — as experienced specifically and differently by Asia, the Middle East and Africa, Europe, and the Americas.

As the day progresses, the perspective will shift, a marked difference from CNN and BBC, which filter the news through Atlanta and London.

Al-Jazeera is aware that the expansion of perspective may be unsettling to those in the West who have been used to defining what is newsworthy and what passes for objectivity. A common accusation against Al-Jazeera's Arabic channel is that it has an anti-Western tilt.

Will Stebbins, the international channel's Washington bureau chief, brushes objectivity concerns aside, emphasizing that Al-Jazeera has hired people based on their journalistic credentials, including people with strong track records such as David Frost, Dave Marash, and Felicity Barr. And Riz Khan, formerly of CNN International and BBC World Service, who will host a news interview show, believes that the new international channel will force other networks to bolster their coverage by letting viewers see just how incomplete their global news is. According to Stebbins, the new channel will have more bureaus in Africa, for example, than any other English-language news outlet, and it will employ staff from more than thirty countries.

Al-Jazeera sees the international channel as a natural expansion of the Arabic channel, which first started broadcasting ten years ago, in November of 1996. While the network has fierce critics, including Secretary of Defense Donald Rumsfeld, the fact remains that Al-Jazeera was not only willing to chal-

lenge the Arab dictatorships who had enjoyed years of state-owned programming and powers of censorship, but was also *able* to do so. With the emir of Qatar bankrolling the operation, Al-Jazeera filled the need for an independent Arab Fourth Estate. And until Al-Jazeera turned its cameras on U.S. operations in Afghanistan and exposed the human face of collateral damage, the U.S. government applauded the role that the maverick network was playing in democratization. The relationship bottomed out in November 2001, when the U.S. bombed Al-Jazeera's Kabul offices, killing a correspondent.

Like the Arabic channel, Al-Jazeera International will also be funded by the emir of Qatar, and, again, the channel will have no specific national context or audience, unlike the American CNN International or the British BBC World.

Al-Jazeera aspires instead to create a global channel with a target audience of the planet's English speakers.

The language choice might imply that it will reach only the elites in countries where English is not the native tongue, but Al-Jazeera officials contend that those who choose to learn English transcend class lines, and that

what they do share is an international-minded awareness. Such viewers would join those in English-speaking countries as well as English-speaking expatriates in other countries. Stebbins is quick to point out that most hits to Al-Jazeera's existing English-language Web site come from the U.S.

For now, all this remains hypothetical. Al-Jazeera International has yet to go on air, despite several planned launch dates that have come and gone. The channel says the delays are rooted in its complex technological setup, which will link all

four broadcast centers by fiber and allow the network to broadcast in high-definition mode, in real time, 24/7. The channel also

wants to make itself available every way technology allows — including by Internet streaming and mobile phone podcasts — at the time of its launch. The critical issue of who will carry the new channel, however, apparently remains unresolved. Despite what Al-Jazeera says has been a "tremendous response worldwide," as *CJR* went to press, the network would not say whether it has a deal in hand with any cable or satellite company either in the U.S. or elsewhere.

So while Stebbins admits to an atmosphere of "impatient anticipation" around the office in Washington, especially as the new history of the Middle East unfolds, he remains patient. "The story won't be ending here, that's for sure," he says. "We'll get our shot."

— Alia Malek



FOUR COEQUAL NEWS CENTERS WILL DIVIDE THE DAY ALONG THE PATH OF THE SUN.

CURRENTS

ONLINE UPDATE: NEW LOOKS FOR THE OLD GUARD

As readers — particularly younger readers — increasingly turn to the Web for information, the nation's news outlets are struggling to devise strategies to attract them. Bryan Keefer looks at how The New York Times and The Washington Post are trying to develop an online audience.

WILL THEY PAY?

The *Times* site averages about 12 million individual visitors a month, according to the Nielsen online ratings service, while the *Post* site averages about 8 million. Perhaps the biggest difference between the two is that the *Times* has erected a pay wall around op-ed columnists via its TimesSelect program, which, as of June, had about 190,000 online-only subscribers (and 325,000 who get it as part of their print subscriptions), while the *Post* gives it all away. But when even the *Times*'s vaunted columnists can generate fewer than 200,000 subscribers, it's still unclear what content online readers will pay for.

BLOGS

The *Post* launched its first blog in July 2005; it now has about forty that are regularly updated. The *Times* launched its first blog late last year and it now has fifteen, including seven behind the TimesSelect pay wall. The *Post* has gone further in embracing the format by allowing reader comments and prominently advertising the blogs on its home page, while the *Times* seems to be keeping its blogs at arm's length.

THE LOOK

In April, the *Times* retooled its site and became one of the first newspapers to use a widescreen design. While both sites retain the photo/main-story layout of their print versions, the *Times*'s site now features three columns of stories (versus the *Post*'s two). The *Times* has more ways to browse, too, while the *Post*'s design feels more like a print newspaper, guiding readers with a slightly heavier editorial hand.



WHO'S IN CHARGE?

The sites also differ behind the scenes. Jim Roberts, the new digital news editor at *NYTimes.com*, reports to the *Times* newsroom and Executive Editor Bill Keller; when the paper moves into its new headquarters in spring 2007, the print and digital newsrooms will merge. *WashingtonPost.com*, meanwhile, is a separate operation from the print product, and its editor, Jim Brady, reports to the head of WashingtonPost.Newsweek Interactive — not Leonard Downie. The result, to date, is that the *Post* has been a bit more nimble about adding features and online-only content to its site.

CUSTOMIZATION

In July, the *Times* launched a limited preview of MyTimes, a service that will allow users to personalize their *Times* home page, pull in RSS feeds from other Web sites, and see pages that *Times* staff members have created for themselves. The *Post* has had a My-WashingtonPost feature for several years, but doesn't display it prominently; instead, the *Post* has two different home pages, one for D.C. locals and the other aimed at a national audience. Given the success of services like Yahoo! News that allow users to aggregate feeds from multiple news outlets, MyTimes looks as if it could be the next big thing in online.

TALKING BACK

Both operations plan to increase interaction with readers. *WashingtonPost.com* conducts eighty to ninety hours of online chat with reporters and newsmakers every week, and top editors from the *Times* periodically field questions from readers and answer them on the Web site. The *Post* recently began allowing readers to post comments below many articles, and the *Times* is planning to follow suit, though Vivian Schiller, general manager of *NYTimes.com*, says it will be "in a very *New York Times* way — it's not going to be a free-for-all or unedited." For both, the strategy seems to be, as the *Post*'s Brady put it, "not just to own the news, but also to own the conversation around the news" — a wise plan in the era of instant online commentary.

A PUBLIC SERVICE DRUG TEST?

In June, John Fabrizi, the mayor of Bridgeport, Connecticut, admitted to using cocaine while in office. He made his confession to the editorial board of the Connecticut Post after the newspaper published a story about allegations that he had used drugs. Fabrizi said he was willing to be tested "anytime, anyplace, anywhere," and so the Post arranged a test (it was negative). CJR's Bree Norden-son spoke to editor James Smith of the Post about his newspaper's unusual watchdog tactic.

How and why did you decide to challenge the mayor to a drug test?

It was our publisher's (Robert H. Laskal) idea. He brought it up in an editorial meeting. We discussed it, and there wasn't total agreement on it. Some people were worried that we were making the news, not reporting it.

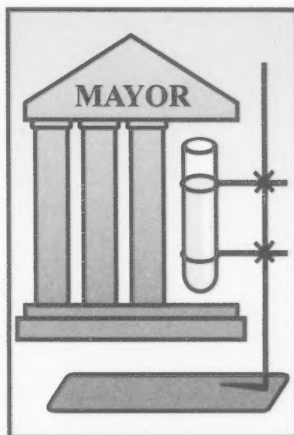
Do you see this as extension of your newspaper's duty to inform its readers?

Absolutely. If you're talking about a mayor who says he used cocaine, how do you find out if he's off cocaine? Well, you test him.

Have you ever done anything like this before, or heard of a news outlet that has?

I've been thinking about that. When journalists go undercover, there is some ethical decision-making. You don't do it unless there's no other way to get the information. I guess it's in that vein that I found this an ethical mode to discover the truth.

You say this was a public service, but it could also be seen as a tabloid-style stunt.



IGOR KOPELITSKY

Was there an element of sensationalism in your decision?

Some of our readers have called it a stunt. I think those in the community who are supporting the mayor and want him to succeed wouldn't mind saying the newspaper pulled a stunt. We didn't think it was a stunt at all. It was taking the mayor up on his challenge.

Who paid for the test?

We did. Because it was our challenge, we felt that we should foot the bill. As we continue to chronicle his recovery, if he's taking drug tests on his own, we'll want to know how they went, but that's at his expense.

Have you asked the mayor to submit to a hair test as you had said you planned to do in an editorial?

Yes. We're going to do it this week. It was negative.]

Do you plan to accompany the mayor on any more drug tests after that?

Don't know that yet.

LANGUAGE CORNER

BAD VIBRATIONS

Unlike the distinctly unlovely use of "resonance" as a verb (CJR, July/August 2006), the figurative use of "resonate" is effective and apt. But it became painfully popular as the century rolled over; a nice metaphor has been cheapened.

"Resonate" means to sound strongly and deeply, or to echo, pleasingly or otherwise. And our word makes for a fine, versatile metaphor, meaning ring a bell, strike a chord, make a strong impression, have a lasting impact, be memorable, and so on.

And on:

"But it takes a Byrne, Rushdie or Fellini or Dali to make the details resonate."

"What is important is that the Teen-age Mutants resonate so strongly with the kids."

"The songs resonate to her own experience."

"When people see the big company letterhead, it resonates well."

But enough — and that's the point. "Resonate" is trite. We should let it rest awhile.

— Evan Jenkins

A lot more about writing is in *Language Corner* at CJR's Web site, www.cjr.org, under "Journalism Tools."

HARD NUMBERS

200, 24: Numbers of Lebanese and Israeli dead on 7/17/06, as reported on ABC.

250: Number of dead "on both sides" as reported the same day by FOX and Christian Broadcasting Network.

33.6: Percent of U.S. population that is from minority groups.

22.2: Percent of TV news work force that is from minority groups.

6.4: Percent of radio news work force that is from minority groups.

86.8: Percent of TV news directors who are Caucasian.

95.6: Percent of radio news directors who are Caucasian.

5.8: Percent of CJR's staff that is from a minority group.

23: Percent of CJR's staff that is female.

8: Number of journalists killed for their work in Pakistan since 2002.

7: Number of those journalists who were Pakistani.

1: Number of cases investigated (American Daniel Pearl).

23: Number of years between publication of an article in *The Philadelphia Inquirer* and settlement of the libel case it provoked.

14: Number of years since plaintiff died.

2: Number of years since original attorney for plaintiff died.

Sources: *The New York Times*, *The Guardian*, RTNDA/Ball State University annual survey, CPJ, FOX, ABC, *Philadelphia Inquirer*, CJR research

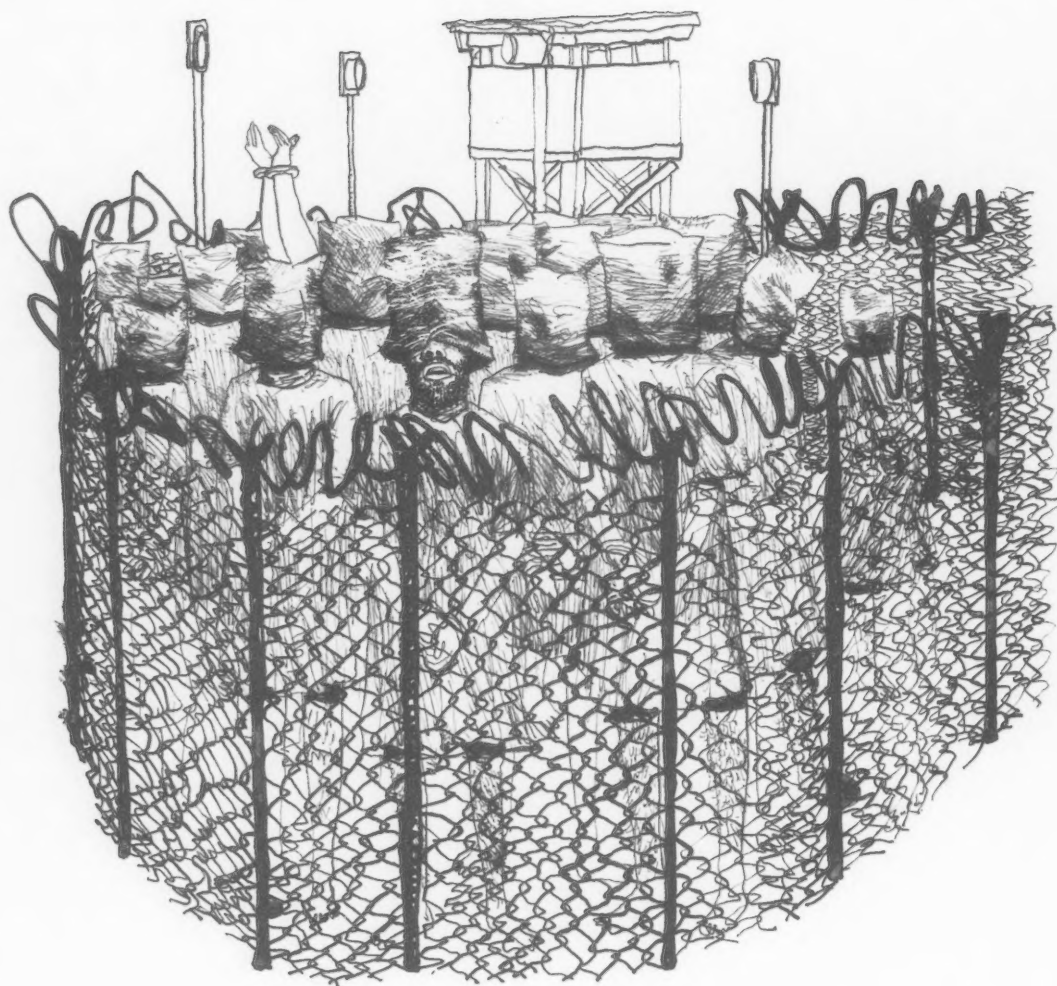


THE AMERICAN NEWSROOM

THE VILLAGE VOICE
New York City

PHOTO BY SEAN HEMMERLE





FAILURES OF IMAGINATION

American Journalists and the Coverage of American Torture

BY ERIC UMANSKY

ILLUSTRATIONS BY MATT ROTA



Carlotta Gall was curious. It was early December 2002, and Gall, the Afghanistan correspondent for *The New York Times*, had just seen a press release from the U.S. military announcing the death of a prisoner at its Bagram Air Base. Soon thereafter the military issued a second release about another detainee death at Bagram. "The fact that two had died within weeks of each other raised alarm bells," recalls Gall. "I just wanted to know more. And I came up against a blank wall. The military wouldn't release their names; they wouldn't say where they released the bodies."

Gall started calling the governors of provinces, she says, "asking if a family had received a body back from Bagram in their province." None had, but Gall did learn that U.S. forces had detained some suspects near the eastern border town of Khost.

She visited Khost and left empty-handed, but a few weeks later, she got another tip and traveled back. The body of one of the detainees had been returned, a young taxi driver known as Dilawar. Gall met with Dilawar's family, and his brother handed Gall a death certificate, written in English, that the military had issued. "It said, 'homicide,' and I remember gasping and saying, 'Oh, my God, they killed him,'" says Gall. "I hadn't really been thinking that before."

The press release announcing Dilawar's death stated that the taxi driver had died of a heart attack, a conclusion repeated by the top U.S. commander in Afghanistan, then-Lieutenant General Daniel McNeill,

whom Gall later cited as saying that Dilawar had died because his arteries were 85 percent blocked. ("We haven't found anything that requires us to take extraordinary action," McNeill declared.) But the death certificate, the authenticity of which the military later confirmed to Gall, stated that Dilawar — who was just twenty-two years old — died as a result of "blunt force injuries to lower extremities complicating coronary artery disease."

Gall filed a story, on February 5, 2003, about the deaths of Dilawar and another detainee. It sat for a month, finally appearing two weeks before the U.S. invasion of Iraq. "I very rarely have to wait long for a story to run," says Gall. "If it's an investigation, occasionally as long as a week."

Gall's story, it turns out, had been at the center of an editorial fight. Her piece was "the real deal. It referred to a homicide. Detainees had been killed in custody. I mean, you can't get much clearer than that," remembers Roger Cohen, then the *Times's* foreign editor. "I pitched it, I don't know, four times at page-one meetings, with increasing urgency and frustration. I laid awake at night over this story. And I don't fully understand to this day what happened. It was a really scarring thing. My single greatest frustration as foreign editor was my inability to get that story on page one."

Doug Frantz, then the *Times's* investigative editor and now the managing editor of the *Los Angeles Times*, says Howell Raines, then the *Times's* top editor, and his underlings "insisted that it was improbable; it was just hard to get their mind around. They told Roger to send Carlotta out for more reporting, which she did. Then Roger came back and

pitched the story repeatedly. It's very unusual for an editor to continue to push a story after the powers that be make it clear they're not interested. Roger, to his credit, pushed." (Howell Raines declined requests for comment.)

"Compare Judy Miller's WMD stories to Carlotta's story," says Frantz. "On a scale of one to ten, Carlotta's story was nailed down to ten. And if it had run on the front page, it would have sent a strong signal not just to the Bush administration but to other news organizations."

Instead, the story ran on page fourteen under the headline U.S. MILITARY INVESTIGATING DEATH OF AFGHAN IN CUSTODY. (It later became clear that the investigation began only as a result of Gall's digging.)

'My single greatest frustration as foreign editor was my inability to get that story on page one. I don't fully understand to this day what happened.'

— Roger Cohen, *The New York Times*

Gall, who is British, chalks up the delay to reluctance to "believe bad things of Americans," and in particular to a kind of post-9/11 sentiment. "There was a sense of patriotism, and you felt it in every question from every editor and copy editor," she says. "I remember a foreign-desk editor telling me, 'Remember where we are — we can smell the debris from 9/11.'"

As it happens, two years later the *Times* uncovered military investigative files on the Bagram case detailing just how big a story had been buried. The files, the *Times* reported on May 20, 2005, offered "ample testimony that harsh treatment by some interrogators was routine and that guards could strike shackled detainees with virtual impunity." The beatings and other interrogation tactics — prisoners deprived of sleep, threatened with dogs, and sexually humiliated — were later used at Abu Ghraib. Dilawar, who officials later acknowledged was innocent, had been repeatedly hit with a "common personal strike" — a blow just above the knee. The result, a coroner later testified, was that his legs had "basically been pulpified." The *Times* also reported that officers who had overseen the Bagram prison at the time were promoted; another, who had lied to investigators, was transferred to help oversee interrogations at Abu Ghraib and awarded a Bronze Star.

The skepticism back in 2003 about Gall's findings wasn't limited to the *Times*. The evidence of homicides got only a short mention on CNN and a brief write-up inside *The Washington Post*. The

biggest follow-up came not in any American paper but in the *Sunday Telegraph* of London.

"There was no great urge to follow up," Gall says. "Nobody went to the doorstep of the pathologist or anything like that, until of course Abu Ghraib. And I don't know why."

Reporters and news organizations deserve enormous credit for exposing the abuse and torture of detainees during the U.S. war on terror, more than other institutions or individuals. Without Carlotta Gall, *The New Yorker's* Seymour Hersh, *The Washington Post's* Dana Priest, and many other reporters, we might well never have learned of the abuse and torture that have occurred in Afghanistan, Abu Ghraib, and elsewhere.

But just as sweeping attacks against "the media" are too reductive, so too are plaudits. And when the record on torture coverage is examined in detail, an ambiguous picture emerges: in the post-9/11 days, some reporters offered detailed accusations and reports of abuse and torture, only to be met with skepticism by their own editors. Stories were buried, played down, or ignored — a reluctance that is much diminished but still bubbles up with regard to the culpability of policymakers.

What is true and what is significant are two different matters. Everybody agrees that journalists are supposed to ascertain the truth. As for deciding what is significant, reporters and editors make that judgment, too, all the time — what story leads on the front page, or gets played inside, what story gets followed up. And when it comes to very sensitive material, like torture, many journalists would prefer to rely on others to be the first to decide that something is significant. To do otherwise would mean sticking your neck out.

When stories about abuse did finally get attention, what was new was often less the revelations themselves than how they were presented and the prominence they were given. Simply put, a scandal wasn't a scandal or a scoop a scoop until it was played as one. But after the September 11 attacks, most news organizations were reluctant to go there. "Being fair is one thing; being excessively worried that we might not be portraying the military in a fair light is another," says Roger Cohen. "For a while there, we lost that balance."

Newsroom ambivalence is not the only impediment to covering this difficult story, of course. For one thing, with the exception of Senator John McCain's 2005 antitorture amendment — the coverage of which turned out to have been shallow and excessively focused on personalities — Congress has shown a studied lack of interest in torture. There have been no sustained congressional hearings, and a proposed independent investigation has long been blocked by the congressional leadership.

Complicating matters has been the Bush admin-

istration's savvy defense. It has pushed back against calls for an independent, overarching investigation of abuses. Instead, there have been a dizzying number of fractured, limited-authority reports, all of which reporters have diligently sought to cover. But many of the reports are classified and ultimately heavily redacted, and none of them have looked specifically at the connection between policymakers and abuse. Indeed, the stonewalling has been part of a larger, smarter strategy: rather than defending its policies of abuse, the administration has denied the policies exist.

Things changed after the Abu Ghraib photos were published; news outlets flooded the zone, to borrow a phrase, with a near endless number of investigative pieces exploring just how policy contributed to abuse. At the same time, the administration's strategy of denial was often aided by longstanding journalistic shortcomings; for example, the tendency to treat both sides of an issue equally, without regard to where the facts might lie.

There is a final factor that has shaped torture coverage, one that is hard to capture. In most big scandals, such as Watergate, the core question is whether the allegations of illegal behavior are true. Here, the ultimate issue isn't whether the allegations are true, but whether they're significant, whether they should really be considered a scandal.

Though the administration has decided not to defend publicly the need for "coercive" interrogations, others have. Their argument is that the policy of abusive interrogations is not only acceptable but necessary to protect the United States. At the same time, polls on torture are notoriously sensitive to phrasing. It's the mixed results themselves, though, that may be telling. Americans appear to be ambivalent about the occasional need for torture. And with ambivalence, perhaps, comes a preference for not wanting to know.

Within this context, any article, no matter how straightforward or truthful, that treats abuse as a potential scandal — even by simply putting allegations on the front page — is itself making a political statement that "we think this is important," and, implic-

itly, wrong. To make such a statement takeschutzpah. Between the invasion of Afghanistan in fall 2001 and the revelations about Abu Ghraib in spring 2004, chutzpah was in particularly short supply.

THE BLIND EYE PERIOD

Dana Priest, the *Washington Post* national security reporter who has been widely recognized for her aggressive coverage of the secret U.S. detainee system, did not start covering the story with the notion that detainees were being abused. It was the fall of 2002, recalls Priest, "and my focus was on whether the government caught big al Qaeda guys, who they are, etc. Then we started getting this idea — in this very uncritical way — how do you get guys to tell you things?"

Barton Gellman, another reporter at the *Post*, was also looking into the subject of interrogations for a long story assessing the U.S. fight against al Qaeda. "I started asking officials how they were doing in capturing high-value targets and how were these people — who were willing to die for their cause — willing to tell you anything," says Gellman. "I would get silences and coughs and circumlocutions. So I started to wonder. And eventually you get people in the right mood . . ."

What Gellman got was tough but unspecific talk by officials about the lengths to which the Bush administration was willing to go to extract information from detainees. Priest was hearing similar things, but "it was almost not journalistic; you didn't have enough details." Then, she recalls, "Bart and I found each other. That's when we were able to put it together."

With Gellman working on his assessment of the counterterrorism effort, Priest took the lead on the detainee story. The resulting piece was extraordinary. Published on December 26, 2002, with a co-bylines, it had revelation after revelation about the U.S. treatment of Taliban and al Qaeda suspects. It detailed a "brass-knuckled quest for information" that included "stress and duress" interrogation techniques — keeping prisoners in painful positions for

AMERICANS AND TORTURE

EVENTS

9/11/2001
Terror attacks
in New York City
and Washington.

9/17/2001
President Bush signs a finding giving the CIA broad
authorization to disrupt terrorist activity, including
permission to kill, capture, and detain members
of al Qaeda anywhere in the world.

10/07/2001
United States
attacks
Afghanistan.

11/13/2001
Bush signs order creating tribunals for
terror suspects. Lacking protections
guaranteed by military's courts-martial,
it sets the stage for future litigation.

COVERAGE



10/28/2001
Rajiv Chandrasekaran and Kamran Khan,
"Cole Suspect Turned Over By Pakistan,"
The Washington Post.

TIMELINE PHOTOS: WORLD TRADE CENTER/AFWIDEWORLD/JERRY TORENS; GUANTANAMO/AFWIDEWORLD/ANDRES LEON; RENDITIONS/AP WIDEWORLD/TONY MARINON; IRAG/AFWIDEWORLD/TONY MARINON; COLE/AFWIDEWORLD/DEPARTMENT OF DEFENSE; AFGHAN PRISONERS/AFWIDEWORLD/NOOR KHAN; ROMANIAN PRISON/AFWIDEWORLD/ADAM GURDA

hours, for example — as well as extraordinary renditions, the practice of shipping suspects to countries where they could be tortured. Citing “Americans with direct knowledge and others who have witnessed the treatment,” the paper reported that “captives are often ‘softened up’ by MPs and U.S. Army Special Forces troops who beat them up and confine them in tiny rooms.”

The article contained both denials from officials that torture was allowed but also quotes from officials all but boasting of abuse. One official “directly involved” in renditions confidently explained, “We don’t kick the [expletive] out of them. We send them to other countries so *they* can kick the [expletive] out of them.” Priest and Gellman wrote, “Each of the current national security officials interviewed for the article defended the use of violence against captives as just and necessary. They expressed confidence that the American public would back their view.”

Among those few whose job it is to follow such things, the story caused waves. “It ruined my Christmas,” recalls John Sifton, a counterterrorism researcher at Human Rights Watch. Sifton has spent the last four years probing the secret U.S. detainee network, and his digging has served as the basis for countless stories in the press. It was the *Post’s* story that first set him going, and he spent the holidays held up drafting a letter to President Bush.

The story also caught the eye of the American Civil Liberties Union. “These were assertions by se-

nior officials,” says Jameel Jaffer, a staff lawyer. “They basically confirmed rendition. There wasn’t shame in it at all. They wanted credit for it.” Later that year, the ACLU decided to file Freedom of Information Act requests. “It was a response to Dana Priest and Gellman as well as Carlotta Gall,” says Jaffer. “We thought it was clear something nefarious was going on.”

Outside of a handful of human rights organizations, however, the *Post’s* piece didn’t cause much of a stir. “After working so long on the story, all I remember was getting my editors to promise not to do it on Christmas,” says Priest. “So it was published the day after. Nobody noticed it. People were paying attention to other things, like protecting the U.S. It took on a much more important life a year after it ran — after Abu Ghraib broke.”

Apart from the holiday timing, one explanation for the lack of attention might lie with the *Post’s* own play of the revelations. The story ran on page 1, but the headline did not exactly leave the clear impression that the U.S. had condoned violence against prisoners: U.S. DECRIES ABUSE BUT DEFENDS INTERROGATIONS. As for the witnesses speaking of regular beatings, that was mentioned in the thirty-first paragraph.

The lack of follow-up was also partly a function of just how difficult reporting on this murky subject is. “There just aren’t many Dana Priests out there that can pierce the wall of secrecy that these things operate in,” says Gellman.

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LET'S DO IT BETTER!

What's striking, though, isn't simply the lack of follow-up but that so few tried. Unlike the ACLU, for example, almost no reporters filed FOIA requests about the detainee system. (The one apparent exception was an enterprising reporter at *The New York Sun* named Josh Gerstein, who actually beat the ACLU to the punch but had his FOIA request dismissed on a technicality.)

The ACLU's requests resulted in the organization's being given thousands of pages of investigative files containing information that, once divulged, prompted numerous front-page stories. The *Post* simply let Priest and Gellman's story stand without significant follow-up until after Abu

human rights abuses were occurring at U.S. prisons there. "It was a very murky, strange article," he remembers. "I couldn't even determine who the writer was." But it suggested that the Amnesty allegations were based at least in part on leaks from the International Committee for the Red Cross, whose work is well regarded and whose findings are supposed to be confidential.

His interest piqued, Hanley, who shared a Pulitzer Prize in 2000 for his reporting on GIs who had massacred civilians during the Korean War, started poking around when he arrived in Baghdad that September. Journalists weren't allowed to visit Abu Ghraib or other prisons. "I knew the only way



Ghraib. (Three months after the Priest/Gellman story, in March 2003, *The New York Times* published a piece broadly similar to the *Post*'s. With softer wording, it was quickly forgotten.)

The failure to file FOIA requests is "something I find terribly embarrassing," says Gellman, who points out that the administration's general antipathy toward FOIA means requests are harder to carry through and often result in little being disclosed. Gellman also stresses that the detainee-abuse story unfolded "just as the Iraq war was becoming inevitable. Iraq took up my life for the next year, as I know it did for many other reporters."

BEFORE ABU GHRAIB

It was Iraq, of course, and the revelations about Abu Ghraib, that finally elevated reports of prisoner abuse to a major story. But the story did not break as simply or as quickly as is often remembered.

In the summer of 2003, Charles Hanley, a special correspondent for The Associated Press, was preparing to make his second post-invasion trip to Iraq. Doing research and scouting for potential stories, Hanley came across a little-noticed Amnesty International report charging that "very severe"



I could get the story was from released detainees," Hanley says. Going through the Red Crescent, Hanley eventually spoke with six former detainees, each of whom had been freed without charges. They all gave similar accounts of their captivity.

The prisoners didn't talk of outright torture, but of humiliation and abuse: water withheld; being shackled for hours in painful positions or bound and made to lie in the sand, even during summer days when the temperature would approach 120 degrees. "I interviewed them independently, and their stories all corroborated each other's and were consistent with the Red Cross's leak," says Hanley.

Weeks before he published the allegations, Hanley e-mailed the military a series of questions. "I asked if prisoners were being tied up and thrown in the sun. I asked how many prisoners had died in custody. You know, how much time do you need to figure that out?" In the month that Hanley worked on the story, the military never responded. "There was just no reaction from them, including no denial," he recalls. If it was intentional, he says, it was "a very smart strategy."

Lacking a response from U.S. officials — as well as prominent billing by the AP — Hanley's story garnered almost no notice when it appeared in November 2003, except overseas. The most prominent attention, Hanley recalls, was in *Stern*, the German weekly. "After I published," he says, "I assumed other people would follow up. That's what really surprised me."

Later on, Hanley was surprised to learn that until April 2004 — when the Abu Ghraib photos were published — nobody else had done much reporting

about abuse at U.S. prisons in Iraq. On the one hand, "reporters in Baghdad were overwhelmed. You can't blame particular reporters," he says. "But it's a certain mindset. I think there were an awful lot of editors at papers who would react negatively to a bunch of Iraqis saying something so nasty about the American military."

Shortly after the Abu Ghraib pictures broke, Hanley returned to his notebook and was struck by a remark of one of the prisoners, who had told him, "If only somebody could get photos of what's happening."

"You know, you can't ignore those photos," Hanley says. "You can't find an excuse not to confront it."

RAMIFICATIONS

When the photos did surface, they couldn't be ignored. But they weren't immediately treated as big news, either. The now-deceased *60 Minutes II* broke the story, airing the photos on April 28, 2004. As Dan Rather, the segment's correspondent, noted, CBS had held the story for two weeks at the request of Richard Myers, chairman of the joint chiefs of staff, who, citing the major fighting in Fallujah, a Shiite uprising in Najaf, and two American civilians being held hostage in Iraq, had argued that the photos would further inflame matters in the region. The network aired the piece after learning that *The New Yorker's* Seymour Hersh also had the photos.

What came next was less a media storm than scattered sprinkles. *The New York Times* covered the story of the photos on page 15, the *Los Angeles Times* on page 8, and *The Washington Post* on page 24, though none chose to publish the photos themselves. The photos should have made for compelling TV coverage, but there was no avalanche of coverage there either. Only NBC and, obviously, CBS had segments on the photos the day after.

But the reaction abroad, particularly in the Middle East, was intense. With headlines blaring across the world, and near-endless coverage on Arab networks such as Al Jazeera, President Bush made his first public comments about the abuse two days after the photos aired.

And that is what, finally, lent Abu Ghraib big-story status: not allegations of abuse or even the photos confirming them, but revulsion abroad and the president's reaction to it. BUSH DENOUNCES TROOPS' TREATMENT OF PRISONERS, proclaimed the *Los Angeles Times* in its first front-page story on Abu Ghraib, on May 1, 2004.

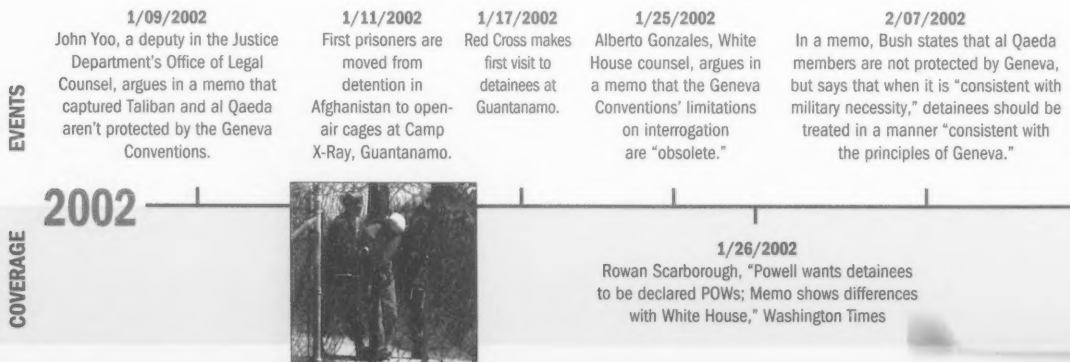
The floodgates then opened, and what was revealed was far more than random acts of sadism toward detainees at Abu Ghraib. Now that the story had "been ratified as important," as the writer Michael Massing put it in *The New York Review of Books*, journalists pushing for significant coverage of abuse were no longer sticking their necks out. They were part of the pack.

Reporters quickly began looking at the larger picture — especially the relationship between policy and abusive interrogation techniques — and ended up writing some remarkable stories. Indeed, most of what we now know about detainee abuse was uncovered — or simply flogged with previously absent vigor — during the first few months after Abu Ghraib.

The bar was set by Seymour Hersh's *New Yorker* story on May 10, 2004, which had details of a military investigation "not meant for public release" into the Abu Ghraib abuses that cited unclear interrogation policies and lax oversight. Two weeks later, *The New York Times* uncovered a few of the techniques that had been approved for the CIA, among them "water boarding," a centuries-old method in which prisoners are strapped down and made to feel they're drowning.

In June, *The Wall Street Journal* and *The Washington Post* detailed yet more memos of the administration's decision to remove restrictions on abusive interrogations. One memo, written by administration lawyers, redefined "torture," saying it must rise to "to the level of death, organ failure, or the permanent impairment of a significant body function." Another memo concluded that "the prohibition against torture must be construed as inapplicable to interrogations undertaken pursuant to [the] commander in chief's authority."

Less than three weeks after CBS's Abu Ghraib re-



port, *Newsweek* published a long investigative feature mapping out the policy decisions that had justified detainee abuse. As *Newsweek* put it, while the White House almost certainly did not order the specific abuses photographed at Abu Ghraib, a series of memos cited by the magazine led it to conclude that President Bush, "along with Secretary of Defense Rumsfeld, and Attorney General John Ashcroft, signed off on a secret system of detention and interrogation that opened the door to such methods."

Newsweek's May 24, 2004, piece was a remarkable bit of reporting. It was also an example of how a "scoop" can result less from new disclosures than the fresh eyes with which old information is viewed. Chief among the magazine's seeming revelations was a January 2002 memo, "obtained by *Newsweek*," detailing the president's conclusion that Taliban and al Qaeda suspects were not covered by the Geneva Conventions. The memo, written by Alberto Gonzales, then White House counsel, and later endorsed by the president, contained language that would become infamous. Gonzales wrote that the "new paradigm" of the fight against al Qaeda rendered "quaint" and "obsolete" Geneva protections. (Gonzales's analysis was summarily dismissed this summer by the U.S. Supreme Court in *Hamdan v. Rumsfeld*.)

Newsweek was certainly right to flag the memo. But the truth is that the president's decision that the U.S. wouldn't be bound by the Geneva accords had been publicly announced in February 2002, albeit in hedged and even misleading language. The president had said then that al Qaeda detainees weren't covered by Geneva protections but should still be treated "humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles" of the Geneva Conventions. (Though it wasn't publicly known then, the president had exempted the CIA from even that loose "humane" edict.) At the time, Rumsfeld dismissed any criticism of the decision as "isolated pockets of international hyperventilation."

The Gonzales memo became the big revelation in *Newsweek's* piece, with the memo's jarring language being quoted endlessly by pundits and talk-

ing heads. It was a discussion a long time in the making: Gonzales's memo was first uncovered and quoted not by *Newsweek* after Abu Ghraib but by the *Washington Times* — two years earlier.

Back then, there was little outrage. The paper's piece focused on how Secretary of State Colin Powell objected to the lack of protections for al Qaeda and Taliban suspects and, according to "administration sources," was "bowing to pressure from the political left." Gonzales's conclusions that the Geneva protections were "quaint," quoted in the original *Washington Times* piece, were not again cited until *Newsweek* did so two years later.

'CALIFORNIA AVOCADO FREESTYLE'

Whether they looked at old information anew or delivered genuine revelations, what the post-Abu-Ghraib stories clarified is that the administration had specifically approved a kind of "torture-lite" for the CIA and the military special forces. They also made clear that the military's rules for interrogations had morphed from a clear stance — no abuse — into a mishmash of ever-changing rules and directives, and that as a result, abuse coursed through the system.

The interrogations at Guantanamo were, as one military investigator testified, "a California Avocado Freestyle kind of a thing." The investigator explained, "It was hard to go beyond the guidance because there was almost no guidance."

And the abusive tactics, as another investigation concluded, mysteriously migrated from Afghanistan to Guantanamo, and then to Iraq. The results have become clear: roughly a dozen prisoners have died of abusive treatment. No soldier or officer has been sentenced to more than five months for any of the deaths. Four of the deaths, said to involve the CIA, have resulted in just one criminal case, involving not a CIA employee but an agency contractor.

The rules for the military had become so hodgepodge and confusing that the administration itself seemed unclear on whether the Geneva Conventions covered detainees in Iraq. A month after the

4/25/2002

Construction of 410-bed Camp Delta is completed at Guantanamo.

8/01/2002

In a memo to Gonzales, Jay Bybee, head of the Justice Department's Office of Legal Counsel, narrowly defines torture as something causing pain equivalent to "death, organ failure, or the permanent impairment of bodily function."

11/27/2002

William J. Haynes II, general counsel of the Defense Department, recommends interrogation techniques, including stress positions and something called "fear up," for use at Guantanamo. Approved by Defense Secretary Donald Rumsfeld. This is the memo on which Rumsfeld wrote, "I stand for 8-10 hours a day. Why is standing limited to 4 hours?"

3/11/2002

Rajiv Chandrasekaran and Peter Finn, "U.S. Behind Secret Transfer of Terror Suspects," *The Washington Post*

7/08/2002

Roy Gutman et al., "Guantanamo Justice?" *Newsweek*



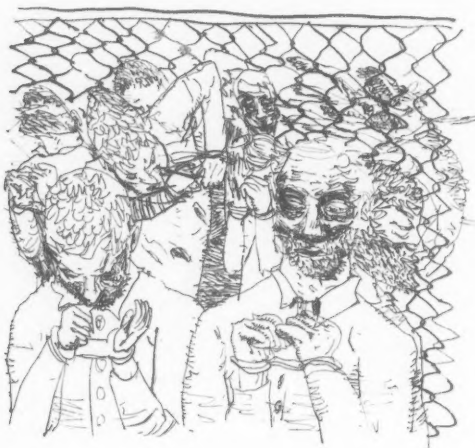
12/26/2002

Dana Priest and Barton Gellman, "U.S. Decries Abuse but Defends Interrogations," *The Washington Post*, on U.S. abuse and rendition to other countries that torture

Abu Ghraib revelations were published, Rumsfeld said the protections are "basic rules" for handling prisoners but yet also did "not precisely apply."

In the wake of Abu Ghraib, reports from the International Committee for the Red Cross, which usually shares its findings only with the country holding the prisoners, were leaked to *The New York Times* and *The Wall Street Journal*. One report, written months before Abu Ghraib broke, warned of cases "tantamount to torture" and said abuse appeared to be a "practice tolerated by" the military. The report had been sent to administration officials.

In mid-May, the *Post* published a series on the "path to Abu Ghraib" and detailed evidence suggesting "a wider circle of involvement in aggressive and potentially abusive interrogations of Iraqi detainees,



encompassing officers higher up the chain of command." Guards told of being ordered by intel officers to "Loosen this guy up for us," as one of them reportedly put it. "Make sure he has a bad night."

The press also began to detail how military lawyers and the FBI had fought against the interrogation policies. With a media pack now pushing for answers, the administration changed course. Rather than slyly boasting about the brass-knuckle approach it was taking, it denied that abuse was more than the work of "a few bad apples" (as the mantra would go).

The difference in tone was striking. "If you don't violate someone's human rights some of the time," one official had told the *Post* in 2002, "you probably aren't doing your job." Now, in 2004, the White House repeatedly reminded anyone who would listen that the president had ordered prisoners to be treated in a "humane" manner.

In shaping the debate, the administration moved not only to distance itself publicly from those of its policies that abrogated the restrictions on abusive treatment, but also to keep those policies from being uncovered. Appearing in congressional hear-

ings soon after the so-called torture memos were leaked, then-Attorney General John Ashcroft refused to discuss, release, or even acknowledge the memos and insisted that the administration had never approved torture. (The insistence that the U.S. didn't engage in "torture" would often trip up many reporters, who weren't aware that the administration defined "torture" exceedingly narrowly.) With the administration now refusing to acknowledge its policies of coercive interrogations, the debate on torture was reframed as a debate about whether there was a need for a debate.

The argument by the White House and its allies that there wasn't a need for a debate was aided by many news organizations' habit of presenting both sides of a story as if they were equal, regardless of the underlying reality. The result was a kind schizophrenic coverage: aggressive investigative pieces showed the extent to which policy had underwritten many abuses, while political and other stories passed along the administration's assertions that abuse was the work of a few bad apples, without offering key context — namely that the facts suggested those assertions were untrue.

As the administration blocked attempts to create an overarching, independent investigation into abuses, a head-snapping number of reports of varying quality and focus by military officers — Taguba, Schlesinger, Schmidt, Fay, Hood, Church, and Green, among others — surfaced. None of them were tasked with looking at the role policy played in abuse. The reports did provide clues anyway — the details, if not the official conclusions, of the Taguba and Schlesinger reports were particularly strong. But the administration also worked to keep the details from the public.

"We've been very eager to write more about policymakers' connection to abuse," says R. Jeffrey Smith, a *Washington Post* investigative reporter. "But that's been very hard. Some of the Pentagon's reports have been very superficial. Some of the backup material for the reports is classified. I dare say some of it has been suppressed. The reports that we've seen have had huge redactions."

Writing stories about the reports was made even more difficult by the investigations' occasionally self-contradictory, even Kafka-esque, conclusions. Take the so-called Schmidt Report, which was released in July 2005. Overseen by Lieutenant Gen. Mark Schmidt, an Air Force pilot, the report looked into FBI memos detailing abusive interrogations at Guantanamo.

Schmidt concluded that tactics once approved for Guantanamo by Rumsfeld — one prisoner was stripped naked, led around on a leash, and doused with cold water seventeen times during one interrogation — were indeed "abusive" and "degrading." Nevertheless, Schmidt concluded — and emphasized in his executive summary — that the tactics were still

"humane" and thus legal. Yet it was also Schmidt who would later tell the Army Inspector General's Office that the administration had never defined "humane." (The parsing seems to have been motivated by Schmidt's preference for not crossing onto the turf of policymakers. Regarding the appropriateness of the interrogation methods, Schmidt's report states that Rumsfeld's "approval of each of the techniques clearly establishes the ultimate legitimacy of that technique.")

The almost absurdist conclusions — there was abuse but it was "humane," although we don't know what "humane" means, and because techniques were approved, they can't be wrong — were hard to convey within the confines of "objective" coverage. But it wasn't impossible. *The Washington Post*, as it

'It's a certain mindset. I think there were a lot of editors who would react negatively to a bunch of Iraqis saying something so nasty about the American military.'

— Charles Hanley, *The Associated Press*

often seemed to do, rose to the occasion and added analytic muscle to its coverage. The paper's main story on the report appeared on page 1 with the headline ABU GHRAIB TACTICS WERE FIRST USED AT GUANTANAMO. More typical, though, was the coverage by *The New York Times*, which put the same report's conclusions on page 21: REPORT DISCREDITS FBI CLAIMS OF ABUSE AT GUANTANAMO BAY.

COURT-MARTIAL TV

The administration's bad-apple argument has also had an unwitting ally: TV news. The evidence of the connections between policies and abuse was just a few dry memos, many of which weren't even available to the public in full. By contrast, the "bad apples" were being paraded in and out of courts-martial. Their stories were not only repulsive but also, in a way, enthralling, filled with reality-show-quality sex and violence.

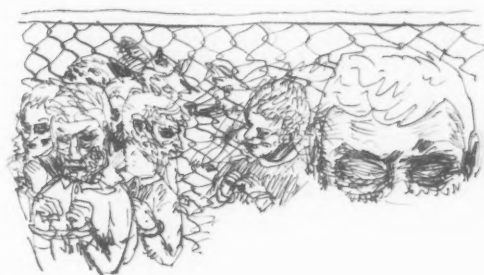
The result was that the various torture memos were covered on all three networks on only one day — June 8, 2004 — when Ashcroft made an appearance before a Senate committee and refused to discuss them. By contrast, the trial of Lynndie England — who had led a naked prisoner around on a leash — was a regular staple on network and cable news programs.

That focus not only distorted the larger story but also constricted it. Some journalists came to the

courts-martial expecting to hear a kind of mini-trial of the overall debate: Was the abuse the result of official administration policies or a few sadistic soldiers?

What was little appreciated is how — in the words of Tim Golden, a *New York Times* investigative reporter — courts-martial "are a very imperfect method for finding the larger truth about why these abuses took place." The reasons for that are partially structural. The military has no central prosecutor's office, meaning courts-martial are brought on a case-by-case basis with no ability to follow investigations across cases. Military prosecutors can't do what their civilian counterparts are famous for: slowly building a large case by trying to flip the low-level perpetrators and nab the big fish.

Over the last two years, Golden has published an



impressive series of stories detailing, at a minimum, the indirect role played by officers and policies in the deaths of the two Afghans in Bagram — the killings his colleague Carlotta Gall first detailed in 2003. Among other files, Golden cited a secret Army memo concluding that during the time when the two men were killed, interrogators at the base had adopted harsh techniques that Rumsfeld had approved for use at Guantanamo. The GIs involved in the killings eventually faced courts-martial. But as Golden noted in his story:

Although military lawyers said the Bagram prosecutors were aware of [the] memorandum, the document was never cited in court. Nor do the prosecutors or Army investigators appear to have asked intelligence officers at Bagram to specify what those harsher methods were, when they were used, who authorized them or whether they had any effect on the treatment of the two men who died.

Only one junior officer faced court-martial in the matter. His case was dismissed before trial.

Some of the courts-martial that went to trial did provide an opportunity to connect dots, but reporters often took a pass. The daily dispatches from the courts-martial, by both TV news and in the papers, usually stuck to the small picture, rarely noting that some of the abuses that led to charges had at one point, though not specifically in the courts-martial cases, been approved by Rumsfeld.

Joanne Mariner, head of Human Rights Watch's counterterrorism program, points to a trial last spring involving a guard at Abu Ghraib who was charged with using dogs to intimidate prisoners. "You don't see headlines in *The New York Times* that Rumsfeld approved techniques that others are now facing courts-martial for," says Mariner. "It doesn't lend itself to daily coverage. What you need is more analytic capacity to add things up. It requires larger context."

SUBPOENA ENVY

As a result of the administration's stonewalling, the abuse story has been deprived of the oxygen it needs to move forward and stay in the headlines. There are still occasional revelations, but without the typical next steps — congressional hearings, investigations, resignations — the scoops themselves start to lose their pop and the story grows cold. The abuse story has become what Mark Danner, writing in *The New York Review of Books*, memorably dubbed a "frozen scandal." Revelations are only followed by more revelations, and readers' attention, and a news organization's resources, ultimately drift to other stories. The pack moves on.

"Democrats don't have the ability to hold hearings unless the party in power, the GOP, agrees. And Republicans have been loath to do that," says *The New Yorker's* Jane Mayer, who has written some of the finest big-picture stories connecting policymakers to torture. "There's been none of the usual fact-finding with subpoena power," she says.

"What reporters keep pointing to is that contrary to the administration's repeated assertions of 'a few bad apples,' there is an official policy of renditions, of interrogations using abusive techniques like water boarding," Mayer adds. "These are political choices that have been made and those who made them should be made to stand up and explain them, so the public can make an informed decision." Reporting — fine as much of it has been — can't replace congressional oversight. "Journalists will do incredible work and it just drops into a great black void," Mayer says. "I have subpoena envy."

While some stories fall into a void, others never get done. "When Congress is actively engaged in

oversight, there's a synergy with the press," says Steven Aftergood, who heads the Federation of American Scientists' Project on Government Secrecy. "It's a powerful mechanism for disclosure that nourishes press coverage. Without the Congress there's a kind of negative synergy. Congressional inaction serves as a signal to leave this alone. And, frankly, taking a pass is perfectly understandable. These are very hard stories to cover, and sources are very hard to come by."

Consider the circuitous path into the open taken by one of the military's best investigations into abuses. Overseen by Major General Antonio Taguba, the report said that the chain of command bore some responsibility for abuses at Abu Ghraib. Initially classified, the report was disclosed in part by *The New Yorker's* Seymour Hersh. But its classified annex, containing thousands of pages of testimony detailing the scope of the abuse, stayed out of public view — until the ACLU uncovered it through an FOIA lawsuit. Congress itself never pushed to obtain the annex. "If Congress had asked for it, that would have done the trick," says Aftergood. "But Congress didn't want to know."

It is impossible to quantify the effect of congressional inaction and the administration's efforts to quash details about abusive interrogation tactics. But the Pew Research Center for the People and the Press did ask a question in a poll that might give a glimpse. In October 2005 — eighteen months after the disclosures of memos redefining torture, and after the appearance of official reports concluding that much of the abuse photographed at Abu Ghraib had indeed been based on tactics approved elsewhere in the system — respondents were asked what they thought caused the "cases of prisoner mistreatment in Iraq and Guantanamo Bay." About a third said it was "mostly the result of official policies." Nearly half said it was "mostly the result of misconduct" by individuals.

DUELING AMENDMENTS

The debate finally focused on the policy of detainee treatment — rather than on the need for such a debate — in the fall of 2005. The shift was brought on

EVENTS

1/15/2003

Rumsfeld rescinds blanket authorization of some abusive interrogation techniques at Gitmo, but allows for approval of them case by case.

3/20/2003

United States attacks Iraq.

10/07/2003

ACLU files an FOIA request demanding release of information about detainees held overseas by the U.S.

COVERAGE

2003

3/04/2003

Carlotta Gall, "U.S. Military Investigating Death of Afghan in Custody," *The New York Times*



by Senator John McCain and his proposed amendment banning torture.

The administration's position was still pushed *sotto voce*. While quietly opposing the McCain amendment, the White House again refused to publicly defend its policies. President Bush continued to insist that the U.S. did not engage in torture and treated prisoners humanely.

But while Bush, Cheney, and other administration officials chose not to engage, the debate developed by proxy, with the writer Charles Krauthammer, among others, insisting that the McCain standard was too stringent. And the administration's backstage maneuvers were detailed in early November, when *The Washington Post* reported on page 1 that the vice president was waging an "intense and largely unpublicized campaign" against restrictions on detainee treatment and had lobbied senators to exempt the CIA from McCain's amendment.

The White House began threatening to veto the measure, although the president wouldn't comment publicly, and Scott McClellan, then White House spokesman, simply labeled the amendment "unnecessary and duplicative." But forced into the open, few senators were willing take a stand for inhumane treatment, and McCain's bill passed by the veto-proof margin of ninety to nine. (The exemption for the CIA was rejected, too.)

Faced with defeat, the president invited McCain to the White House, where Bush signed the measure and offered vague praise for the ban. "We've been happy to work with him to achieve a common objective," he said.

The McCain vote, of course, garnered front-page coverage around the country and on the networks. PRESIDENT BACKS MCCAIN ON ABUSE, declared *The New York Times*. What was mostly missed, however, were two key facts. First, the amendment, worthy as it was, wasn't as strong as advertised. It contained no enforcement clause: soldiers or CIA agents couldn't abuse prisoners, the bill stated, but it didn't provide for any penalties if they did. The amendment, in other words, was mostly a statement of principle, without teeth.

What's more, McCain's amendment was undercut by another little-noticed amendment that was passed as

part of the same defense appropriations bill. Sponsored by Senators Lindsey Graham, Carl Levin, and John Kyl, the amendment — which was combined with McCain's measure to become the Detainee Treatment Act (DTA) — states that testimony gained through "coercion" can be used in military tribunals. Unlike the McCain amendment, which merely reaffirms existing laws, the Graham-Levin-Kyl measure muddies what had been clear waters. The amendment's portion of the DTA also severely restricts detainees' access to U.S. courts and strips them of the right to habeas corpus. It limits detainee cases to a single hearing in front of an appeals court, at which detainees have no clear right to present the facts of their case.

Cheney and his allies "took their opponents to the cleaners," Marty Lederman, a law professor at Georgetown who served in the Justice Department until 2002, wrote at the time on a blog called *Balkinization*. "The Graham amendments . . . are far more beneficial to their detention and interrogation policies than the McCain amendment is detrimental."

But that's not how the matter has played in the media. The triumph of the McCain amendment was a compelling story, a personality play in which the little-liked Cheney was brought to heel by the much-adored maverick senior senator from Arizona. The Graham-Levin-Kyl amendment — a legalistic, obscure, and at least nominally bipartisan effort — had no such drama. And it got no equivalent coverage. The morning after that amendment passed, only one major paper, *The New York Times*, gave it front-page treatment, and it simply wasn't mentioned on the network news.

"I don't think the media were connecting the dots," says Marc Falkoff, a law professor at Northern Illinois University who represents seventeen Yemenis detained at Guantanamo. "They never realized" that the McCain bill "gave the detainees a right, but without a remedy."

The undercutting pattern continued with the president's "signing statement," in which he asserted that he didn't consider his administration to be bound by the McCain ban but instead would interpret it "in a manner consistent with the constitutional authority of the president." With the statement's practical implications unclear — Was the president reserving his right to ignore the ban? Was

10/12/2003

Lt. Gen. Ricardo Sanchez, the overall commander in Iraq, signs classified memo encouraging interrogators at Abu Ghraib to "manipulate an internee's emotions and weaknesses."

10/2003-12/2003

Photographs taken of abuses at Abu Ghraib.

11/05/2003

Maj. Gen. Ryder reports to Lt. Gen. Sanchez that U.S. military prisons in Iraq are dangerously mismanaged; notes "tension between the missions of the military police . . . and intelligence teams." Report alleges no wrongdoing by MPs.

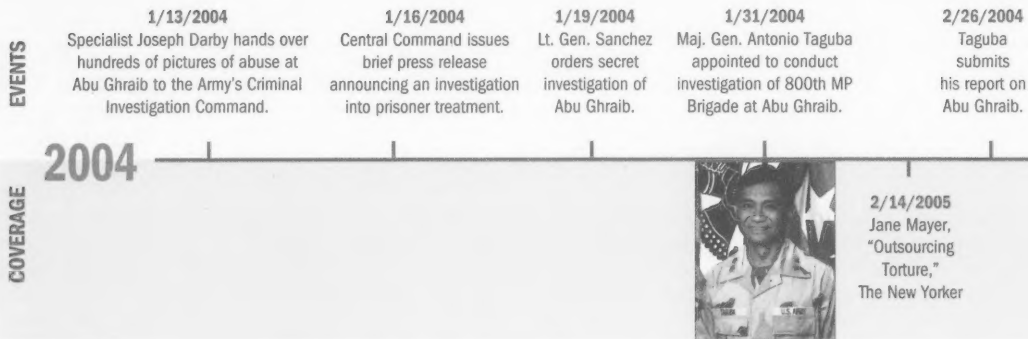
12/18/2003

U.S. 2nd Circuit Court of Appeals orders that the alleged "dirty bomber" Jose Padilla be released from military custody and either charged in court or set free.



11/01/2003

Charles Hanley, "Former Iraqi detainees tell of riots, punishment in the sun, good Americans and pitiless ones," *The Associated Press*



he giving fair warning of what he was already doing? — and the whole notion of signing statements a confusing, unfamiliar, and often headache-inducing legal topic, most news outlets, with the notable exception of *The Boston Globe*, ignored it. (Coverage of the signing statements did eventually pick up after bloggers and others harped on them.)

If the ramifications of the signing statement are murky, the practical effect of the combined McCain and Graham-Levin-Kyl amendments — stripping the ability of prisoners to challenge their treatment — may be less so. Falkoff says that when he last visited the prison, in April 2006, one of his clients showed up badly beaten. "One eye was swollen shut, the other a deep black and blue. Contusions all over his body, cuts on his head and legs," recalls Falkoff. "He couldn't swallow and could barely talk." The client had been forcibly "extracted" from his cell. The offense meriting the move "was that he stepped over a line that they painted in his isolation cell."

"It's good that McCain is very clear about it being illegal to abuse detainees," Falkoff continues. "But for Gitmo detainees the DTA is a net negative. They could torture and beat the shit out of any of our clients and there's nothing we can do about it after the DTA."

Though it's still being litigated, the Supreme Court's *Hamdan* decision in June seems to have reined in the DTA's habeas-stripping provisions. But two other lawyers representing detainees at Guantanamo told me that treatment had indeed be-

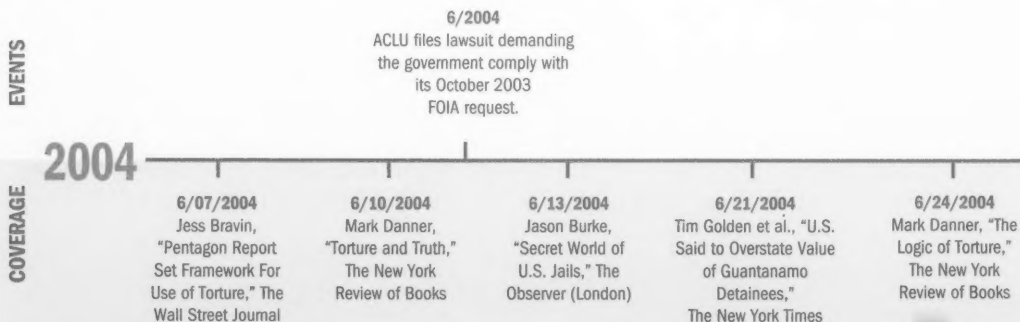
come tougher after the DTA, especially the guards' treatment of detainees on hunger strikes. Hunger strikes have been occurring at Guantanamo for years. It was only early this year, after the DTA was passed, that the military began particularly aggressive force-feedings involving larger than normal tubes, which often resulted in bleeding.

SECRET PRISONS

In early November 2005, as McCain's anti-abuse ban and the Graham-Levin-Kyl amendment were winding their way through the Senate, the *Washington Post's* Dana Priest published another seminal piece on the U.S. detention system, this time on the CIA's network of secret prisons.

The story gave a "rough estimate" of "more than 100" suspects who have been moved through the system, with some being rendered to foreign intelligence services — which held the prisoners "with CIA financial assistance and, sometimes, direction" — and others held directly by the CIA, including some at a "Soviet-era compound in Eastern Europe."

Contrary to international law, those held at the secret prisons were not registered with the International Red Cross or acknowledged as being held. They were, and remain, ghost prisoners. The policy, as Priest detailed, had started haphazardly as a way of holding only the top al Qaeda suspects, but it morphed into something different. "We never sat



3/20/2004:
Military charges
six soldiers in
Abu Ghraib
abuses.

4/2004
Abu Ghraib photographs
leaked to 60 Minutes II, but
not immediately broadcast at
the request of the chairman of
the Joint Chiefs of Staff.

4/28/2004
60 Minutes II
airs Abu Ghraib
photos.

4/30/2004
Seymour Hersh,
"Torture at
Abu Ghraib,"
The New Yorker
Web site

5/13/2004
James Risen et al.,
"Harsh C.I.A. Methods
Cited in Top Qaeda
Interrogations,"
The New York Times

5/17/2004
Seymour Hersh,
"Chain of
Command,"
The New Yorker

5/17/2004
Stephen Grey,
"America's
Gulag,"
The New
Statesman

5/24/2004
Seymour Hersh,
"The Gray Zone,"
The New Yorker

5/24/2004
John Barry, Michael
Hirsh, and Michael
Isikoff, "The Roots
of Torture,"
Newsweek

down, as far as I know, and came up with a grand strategy," one "former senior intelligence" officer told her. "Everything was very reactive. That's how you get to a situation where you pick people up, send them into a netherworld and don't say, 'What are we going to do with them afterwards?'"

The *Post* seemed to suggest that the existence of the prison system itself was breaking news: CIA HOLDS TERROR SUSPECTS IN SECRET PRISONS. Additional coverage — and outrage in Washington — followed. ABC News, for example, referred to the "revelation today, first in *The Washington Post*, about a network of top-secret prisons run by the CIA."

It's true that the existence of a "number of secret detention centers overseas" was first revealed by the *Post* — but the revelation came three years earlier. Priest and her colleague Bart Gellman reported that fact in their little-noticed story over Christmas 2002, the one that detailed "stress and duress" techniques and beatings. That story even listed specific locations, saying there were secret prisons at the U.S. Bagram Air Base in Afghanistan and another at a base on the British island of Diego Garcia in the Indian Ocean. In October 2004, Human Rights Watch also released a report on the ghost prisoners. And journalists abroad had reported on the locations of other CIA prisons, one in Jordan, another in Morocco, and yet another in Thailand.

Priest's 2005 piece had more detail than anything previously published on the subject — dis-

cussion from former intelligence officials about how the program started; and particularly the reference to the existence of prisons in Eastern European countries — but the story's revelations were actually modest in comparison to the amount of vituperation they stirred up.

As for extraordinary renditions, the first small glimpse into that policy came just a month after 9/11. At the time, the *Post*'s Rajiv Chandrasekaran was reporting from Pakistan and saw a reference in a local paper to an al Qaeda suspect who had been flown away in the middle of the night by the U.S. Chandrasekaran ran the plane's tail number, which had been published, through an FAA database and quickly suspected that a CIA front was involved. "I tried finding the number for the company listed and couldn't get anything," Chandrasekaran recalls. "I thought, Why the hell would they fly in the middle of the night? That was it. It was all I had time to do back then."

The following spring, in early 2002, Chandrasekaran was stationed in Indonesia and saw a squib in a local paper about an Arab handed over to foreigners at a military air base. "I went to the guy's neighborhood, talked to Indonesia intel sources, and one opened up to me," he remembers. Written with Peter Finn, the resulting front-page story — U.S. BEHIND SECRET TRANSFER OF TERROR SUSPECTS — revealed how a prisoner who, without a court hearing or a lawyer, "was hustled aboard an

6/28/2004
U.S. Supreme Court rules 6-3
in *Rasul v. Bush* that federal
courts do have jurisdiction
over Gitmo.



12/20/2004
ACLU begins releasing
internal FBI memos con-
taining reports of prisoner
abuse at Abu Ghraib.

9/2004
Seymour Hersh,
Chain of Command
(HarperCollins)

10/07/2004
Mark Danner, "Abu Ghraib:
The Hidden Story,"
The New York Review
of Books

10/2004
Human Rights Watch,
"The United States'
'Disappeared,' The CIA's
Long-Term 'Ghost Detainees'"

10/2004
Mark Danner,
Torture and Truth
(New York
Review of Books
Publishing)

EVENTS

2005

COVERAGE

3/07/2005

Vice Adm. Church delivers report on detainee abuse to Congress outlining a growing trend in the war on terror for military psychiatrists and psychologists to take part in interrogations.

5/01/2005

U.S. military releases 85 prisoners from its jails in Afghanistan, deciding they pose no threats. Others were released earlier.



4/2005

Human Rights Watch, "Getting Away With Torture? Command Responsibility for the U.S. Abuse of Detainees"

4/23/2005

Carlotta Gall, "U.N. Monitor of Afghan Rights Accuses U.S. on Detentions," *The New York Times*

5/20/2005

Tim Golden, "In U.S. Report, Brutal Details of 2 Afghan Inmates' Deaths," *The New York Times*

6/06/2005

Daniel Eisenberg and Timothy J. Burger, "What's Going on at Gitmo?" *Time*

7/11/2005

Jane Mayer, "The Experiment," *The New Yorker*

unmarked, U.S.-registered Gulfstream V jet parked at a military airport in Jakarta and flown to Egypt."

"After September 11, these sorts of movements have been occurring all the time," one U.S. diplomat told the *Post*. "It allows us to get information from terrorists in a way we can't do on U.S. soil."

Coming just six months after 9/11, Chandrasekaran says the article "got very little interest. A year, two years later, I started getting calls saying, 'Oh, that's interesting.' And that includes my own paper."

Bob Drogin, an intelligence reporter at the *Los Angeles Times*, remembers trying to follow these stories and making "an utterly unsuccessful effort to crack into the rendition business. It's reporters abroad who've done the best job on this stuff. It's just the nature of where the story is."

Indeed, by the summer of 2004, soon after the Abu Ghraib photos surfaced, European journalists from outlets like *The Financial Times*, the London *Independent*, *The Ottawa Citizen*, and *Calla Fakta* (Cold Facts), a Swedish TV program, were driving the coverage of renditions. A British reporter named Stephen Grey began to track CIA flights by their tail numbers. Grey eventually detailed some 300 flights of a single jet to forty-nine different destinations in the British publication, *New Statesman*. Grey, a freelancer who in the past year had written about renditions for *The New York Times*, says that before publishing his piece he tried to get U.S. networks interested. One show was particularly interested, but eventually the idea fell through. "They said, 'Can't you find somebody who's innocent; we'd much prefer that,'" says Grey, who won't name the show he was referring to. "The nub of the story wasn't innocence; it was that people were sent to places where they were likely tortured." (A number of American outlets did eventually contribute pieces of the puzzle, including regional dailies like *The Oregonian*, *The Boston Globe*, and the *Chicago Tribune*.)

When Priest's story on the secret prisons was splashed across the *Post's* front page, it resulted in an enormous amount of attention, censure, and, of course, a backlash. Although the *Post* had declined to name the Eastern European countries in which some of the prisons were located — a decision prompted

by "the request of senior U.S. officials [who] argued that the disclosure might disrupt counterterrorism efforts in those countries and elsewhere and could make them targets of possible terrorist retaliation" — the reaction against the *Post* by the administration and Congress was swift and overwhelming.

Joining others in calling for a leak probe, Senate Majority Leader Bill Frist declared himself "not concerned about what goes on" at the prisons but very concerned about the leak. The CIA also requested that the Justice Department start an investigation, and the House Intelligence Committee started its own.

"The House and Senate majority leaders held a joint news conference calling for a bicameral investigation," says Priest. "That was the weirdest day." The article, as Priest puts it, was "my attempt to go back again, with deeper sourcing and a better understanding of the discrete elements and motives behind all this." As to why this particular piece, of all the stories she has written on the detention system, got so much attention, Priest suspects that "it was the fact that the prisons were in Europe and that those were democracies. They're like us."

The leak investigations have not yielded any firm results yet. (One CIA official, Mary McCarthy, was fired earlier this year, apparently for leaking, but it's unclear whether that involved Priest's article.) But whatever the intentions of those who complained about Priest's story, one consequence is clear: in contrast with Europe, the focus in the U.S. moved from the existence of secret prisons to the *Post's* disclosure of them. The debate was once again deferred.

ENDURING AMBIVALENCE

Carlotta Gall, the *Times* reporter who uncovered the two homicides at Bagram Air Base in Afghanistan in early 2003, was struck at the time by "the reluctance to believe bad acts of American troops when we're at war." That reluctance has largely disappeared, but a certain caution remains regarding officials in Washington.

This June, the Supreme Court ruled in *Hamdan v. Rumsfeld* that the military commissions the pres-



12/30/2005
President Bush signs
Defense appropriations bill
including the McCain
Amendment and the
Detainee Treatment Act.

7/14/2005 Mark Danner, "The Iraq Pretext: Why The Memo Matters," The New York Review of Books	9/23/2005 Adam Zagorin, "Pattern of Abuse," Time.com	9/24/2005 Eric Schmitt, "3 in 82nd Airborne Say Beating Iraqi Prisoners Was Routine," The New York Times	11/02/2005 Dana Priest, "CIA Holds Terror Suspects in Secret Prisons," The Washington Post	11/08/2005 Amnesty International, "Secret Detention in CIA 'Black Sites'"	11/14/2005 Jane Mayer, "A Deadly Interrogation," The New Yorker
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ident had set up for al Qaeda suspects hadn't been approved by Congress and thus were illegal. At least that is what made the headlines. Almost all papers, the *Los Angeles Times* being an exception, played the ruling narrowly. Take *The Washington Post*: HIGH COURT REJECTS DETAINEE TRIBUNALS.

What was only slowly recognized was that the court had also concluded that abusive interrogation policies were in fact illegal. The majority opinion, written by Justice John Paul Stevens, said that contrary to the Bush administration's assertions, all captured combatants in U.S. custody are entitled to protection under what's known as Common Article 3 of the Geneva Conventions. While not granting them full prisoner-of-war protections, Article 3 says even fighters such as captured al Qaeda members are entitled to a minimum standard of treatment, including protection from "outrages upon personal dignity."

By now, two years after Abu Ghraib, there is plenty of evidence that subjecting some detainees to "outrages upon personal dignity" has been exactly the policy of the administration. In November 2005, ABC News published a partial list of the CIA's "enhanced interrogation tactics," including such things as water boarding, the "attention slap," and the cold-cell treatment, in which prisoners are kept naked, nearly freezing, and continuously doused with water.

Lieutenant General Schmidt, who had overseen

the report on FBI allegations of abuse at Guantanamo, later testified that Rumsfeld had been "personally involved," and was being given "weekly updates" on the interrogation of one detainee, who was kept near-freezing and led around naked on a leash. Interrogation logs later showed that the detainee's heart rate became so slow during his "cold" treatment that he nearly died. Another prisoner in CIA custody in Afghanistan died of hypothermia.

"It all goes back to President Bush's order, in February 2002, that detainees would not be covered by Common Article 3 of Geneva. That was the key," says Marty Lederman, the constitutional scholar and former administration lawyer. Bush made that declaration publicly. It was oddly fitting, then, that when the Supreme Court ruled that Bush's 2002 executive order was in fact illegal — a conclusion the White House implicitly acknowledged this summer when it began lobbying to effectively shield interrogators and officials from potential violations of the War Crimes Act — there were few headlines about that either. ■

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Timeline research by Lucia Graves

EVENTS

2006

COVERAGE

2/2006
"Guantanamo's Grip,"
National Journal

2/27/2006
Jane Mayer,
"The Memo,"
The New Yorker

3/19/2006
Eric Schmitt and Carolyn Marshall,
"Task Force 6-26: Inside Camp Nama;
In Secret Unit's 'Black Room,' A Grim
Portrait of U.S. Abuse," New York Times

3/23/2006
Charles Hanley, "U.S.
soldier's prison crimes,"
The Daily Telegraph

6/10/2006
Three Guantanamo detainees
commit suicide by hanging
themselves with clothing
and sheets.

6/29/2006
U.S. Supreme Court rules 5-3 in *Hamdan v. Rumsfeld* that military commissions, and any abusive interrogation techniques, violate U.S. law and the Geneva Conventions.



Italy's ex-prime minister forged a new power paradigm,
echoed today in America and elsewhere,
in which journalism is merely a political weapon

SILVIO'S SHADOW

BY ALEXANDER STILLE

"Today, we must talk about politics," Silvio Berlusconi, the owner of the Fininvest media empire, said at the beginning of a meeting in which he had assembled his top editors and producers on September 25, 1993. "And the first thing . . . is we must behave like a team. Every editor or director, with his autonomy, must play the same music. We must avoid disagreements amongst ourselves, one newscast against the other, one network against the other We must sing in chorus on the themes that interest us You must understand, you top editors, that we must respond to those firing against us with a concentrated attack of all our means against them. If those who attack us unjustly . . . were assaulted simultaneously by all the various media of our group, the aggression would end there."

This "militarization" of the Berlusconi media pre-

pared the ground for his political career, which he would announce a few months later in the form of a videocassette sent simultaneously to all the major networks, half of which he already owned. In it, he addressed the nation as if he were already prime minister, and two months later he actually was. Thus began a new era and the founding of a new model of politics in Italy, and perhaps elsewhere; a new type of political regime in which normal democratic competition between political parties is grossly distorted by a highly unequal access to television. Berlusconi combined the forces of media, money, and celebrity and translated them into political power, a model imitated soon after by Thaksin Shinawatra, Thailand's fourth richest man and largest private media owner, who also became his country's prime minister. It is a model that both borrows from the campaigns of American figures such as Ross Perot while anticipating the celebrity candidacy of

ALESSANDRO BIANCHI/REUTERS/CORBIS

Three days before the general election in April, Berlusconi accused the judiciary and the press of plotting his demise.

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Arnold Schwarzenegger and the highly partisan use of broadcast media that we have seen in this country by Fox News, Sinclair Broadcasting, and Clear Channel.

Once in office, Berlusconi dedicated an extraordinary amount of his energy to gaining control of Rai, the

about consumption and free time and little about the country's problems — a patina of carefree life which has little relationship to what is actually going on in the country," journalists from Rai 1 wrote in January 2004 in a letter of protest over the way the network was being run.

One poll of Italian schoolchildren showed that Berlusconi was their most beloved figure, followed by Arnold Schwarzenegger and Jesus Christ.

state broadcasting system and his chief competitor. Broadcasters specifically denounced by Berlusconi were fired, satirists who made fun of him were taken off the air, and trusted associates and former employees were placed in positions of power so that the three state channels (or at least two of them) sang in chorus most of the time along with the Berlusconi channels. With both Rai and Berlusconi's empire (now called Mediaset), his control of Italian broadcasting was near total.

Once Berlusconi came to power, journalists on state television were required to adhere strictly to a news formula known as "the sandwich," in which virtually every political story began by stating the government's (or Berlusconi's) point of view, followed by a sound bite or two from the opposition and concluded with a rebuttal from the government. Berlusconi himself occupied an incredible 50 percent of airtime on the state-owned newscasts, while the opposition accounted for barely 20 percent.

When Berlusconi addressed a nearly empty hall at the United Nations, Italian state TV cut and pasted into the scene the audience for the speech of Secretary General Kofi Annan, to create the impression for Italian viewers that their leader had been enthusiastically applauded by a full audience. When the Italian economy struggled through three straight years of recession and near-zero growth, Rai showed a world of happy prosperity. "We talk a lot

In April of this year, despite strict political control of both his own TV stations and the three state-owned channels, Berlusconi lost his position as prime minister — albeit by a razor-thin margin. His coalition lost again in local administrative elections and in a national referendum that his media had aggressively pushed. Nearly thirteen years after entering politics, Berlusconi may be in the twilight of his political career.

So is Berlusconi a purely transient Italian phenomenon — the product of Italian society under very particular circumstances — or did he really introduce a new model of media-based celebrity politics that has changed the political game in Italy and elsewhere?

The answer, I think, is both.

Clearly, there were a series of anomalous and very Italian aspects to Berlusconi's rise to power. He was allowed to create a virtual monopoly of private television in Italy — his three networks together with the three state channels account for about 90 percent of both audience share and ad revenue — thanks to the unwavering support of Italy's leading governing parties. (In the 1980s, the Socialist prime minister Bettino Craxi abandoned a state visit to Britain to sign a special decree to keep Berlusconi's TV networks on the air after judges found them to be operating in violation of Italian law. Unsurprisingly, prosecutors later found evidence of an \$18 million

payment from one of Berlusconi's company's offshore bank accounts to one belonging to Craxi.)

Berlusconi was part of an old, corrupt system that was and is, alas, extremely widespread, even if he was one of its biggest players and perhaps the person who benefited the most from it. It helped catapult him from a local Milan real-estate developer to the country's richest man by the mid-1990s, the owner, along with his TV monopoly, of the largest book publisher, the largest magazine publisher, financial companies, the biggest movie studio and theater chain, Internet providers, and sports franchises.

But Berlusconi's shadow extends beyond the shores of Italy. If there were old-fashioned political reasons for Berlusconi's sudden success, his methods borrowed from a decidedly modern formula that has become familiar to American observers.

As Berlusconi tried to decide whether to enter politics, he obsessively conducted poll after poll during the summer and fall of 1993. In one of those polls, Berlusconi discovered that he enjoyed 97 percent name recognition with Italian voters, while the actual prime minister, Carlo Azeglio Ciampi, was known to only half the electorate. Another poll showed that Berlusconi was the most beloved figure in a sampling of Italian school children, followed by Arnold Schwarzenegger and Jesus Christ in that order.

What that poll suggested was that there had been an inversion of values in Italy and that figures from the world of entertainment, television, and movies had overtaken the traditional figures of political and religious authority in popularity. That two of the people most beloved by Italian young people, Berlusconi and Schwarzenegger, have succeeded with shocking ease in translating their universal name recognition and popularity into political power — without prior political experience — is an element of novelty worth noting.

"What Berlusconi under-

stood better than anyone else," says Renato Mannheimer, a sociologist at the University of Milan and a prominent Italian pollster, "is that the old politics based on class interests and ideology — communism, Catholicism, labor, capital — had disappeared." For several decades, Italian voters, like voters in many countries, voted by class or social group. If you were an industrial worker, you voted, almost automatically, for the Italian Communist Party. If you were a rural farm worker, you voted for the Christian Democratic Party, and so on. With the end of the cold war and the economic fragmentation of a post-industrial economy, those loyalties broke down and suddenly tens of millions of votes were up for grabs.

Italy's once ideological electorate had now be-



EXCELLENCE IN REPORTING

Tribune correspondent **Cam Simpson** detailed an Iraq tragedy most never noticed: the massacre of 12 Nepalese workers. His series, "Pipeline to Peril," retraced their journey and exposed how military contractors used a network of middlemen who deceitfully lured workers from poor nations, then exploited and failed to protect them. His revelations about human trafficking into Iraq prompted Pentagon reforms and helped bring Cam some of journalism's top honors:

- The Robert F. Kennedy Award for International Reporting
- The George Polk Award for International Reporting
- The Overseas Press Club's Madeline Dane Ross Award
- The Sidney Hillman Award for Newspaper Reporting
- The National Press Club's Edwin M. Hood Award
- A Finalist Citation for The Atlantic Media Co.'s Michael Kelly Award

Congratulations to Cam Simpson, one of many talented, dedicated Tribune reporters continuing the paper's tradition of uncovering stories that matter.

Read "Pipeline to Peril" at www.chicagotribune.com/nepal

Chicago Tribune

What's in it for you?

come heavily disillusioned with politics, and was ripe for the politics of anti-politics. In crafting a message for this post-ideological public, Berlusconi looked to a series of American models, as he had in the other dimensions of his career — real estate, advertising, shopping malls, and television. He projected some of the contagious optimism of Ronald Reagan, the first celebrity presidential candidate from the world of Hollywood, and studied closely the 1992 campaign of Ross Perot, an important precursor of the billionaire businessman in politics, who played on the widespread dissatisfaction with traditional politics by offering to substitute can-do pragmatism for the corrupt ways of the professional politician.

It was also new and important that Berlusconi took much of the look and feel of his new political movement from the world of entertainment. Along with conducting his campaign appearances by moving freely across the stage, microphone in hand, like a lounge singer (which he had been in his youth) or a talk-show host, he used the rhetoric and symbolism of soccer in creating a political party *ex novo*. He called the party *Forza Italia* (Go, Italy!), the chant that Italian soccer fans use to cheer on the national team, and referred to party members as *gli azzurri* (the blues), as are the members of the Italian team. As the president of A.C. Milan, which he guided to numerous national and international

championships, he came to understand that the popularity of the team had produced political capital. He was struck by the adulation of soccer fans who would routinely ignore his politician friends in order to get his autograph. He has recounted that a few years before entering politics, one fan shouted as he drove by: "Silvio, if you want, we'll vote for whatever party you tell us. We'll give eight million votes to the party you want. To be able to give them to you personally would be the best!"

Berlusconi's status as a soccer mogul gave him a working-class appeal that helped voters ignore the possible impact of his conservative economic agenda. In a debate with Luigi Spaventa, a professional economist who was Berlusconi's opponent for a parliamentary seat in Rome in 1994, rather than answer questions about his economic program, Berlusconi simply cut short the discussion by saying, "How many Intercontinental Cups have you won? Before trying to compete with me, try, at least, winning a couple of national championships!" The remark had the air of unassailable truth, however irrelevant it might be to Berlusconi's fitness to govern. Thus, while Spaventa and others on the left took pains to explain how Berlusconi's program would damage ordinary working people, Berlusconi, the billionaire, shrewdly managed to make an opponent like Spaventa seem an effete university professor and himself a "doer" and "winner," a per-

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son whom the average working man and soccer fan could relate to and admire.

In fact, when Berlusconi won in 1994 and then again in 2001, close analysis of the votes revealed that in both races the Italian electorate had undergone a seismic shift. Berlusconi had succeeded in winning over a significant number of working-class voters as well as many younger voters who had traditionally

Berlusconi invented a loud, highly partisan, bullying style of television news that in many ways anticipated Fox News and others.

supported the left. Social scientists found to their surprise that the strongest predictors of a voter's orientation were no longer class or church affiliation but what television stations a person watched and for how long. People who watched the Mediaset channels were much more inclined to vote for Berlusconi; those who watched the state-owned network Rai were more likely to vote for some other party. The more hours a day people watched television, the more likely they were to vote for Berlusconi. "In other words, the world of show business and televi-

sion distinguishes the electorate more than the divisions of class," Roberto Cartocci, a professor of political science at the University of Bologna, wrote after the 2001 elections. "Put another way, the two coalitions are separated not so much by the traditional division of labor and capital but rather by the competition between Rai and Mediaset."

The siren song of the billionaire candidate was particularly persuasive among voters who had only a grade-school education and those who said they had not read a book in the past year. More than 65 percent of those with only a fifth-grade education voted for Berlusconi, while his support dropped to 35.9 percent among Christian Democratic voters with a high school or college education. Those unskilled and generally poorer segments of Italian society were unlikely to be beneficiaries of the "liberal revolution" that Berlusconi, modeling himself on Reagan and Thatcher, was promising. But those voters acknowledged having little interest in politics, and had formed an extremely positive image of Berlusconi from watching the popular soap operas and Hollywood films on his channels.

This pattern, too, echoes in America, where white men with only a high school education voted for George Bush over John Kerry by a 23 percent margin in 2004, even though that group has seen its economic position slip significantly in the past twenty-five years, an era dominated by Reagan and

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the Bushes. Many voters identified personally with Bush — found him to be likable, straight-talking, religious, and sincere — even though they suspected he was out of touch with people in their economic situation.

In office, Berlusconi concentrated his energies to an extraordinary degree on two problems: controlling information and muzzling the Italian judiciary, which threatened to send him and his closest associates to jail.

To get elected and keep his political career afloat for more than twelve years — a period in which Berlusconi and many of his associates would be tried and in some cases convicted of extremely serious crimes, ranging from bribing sitting judges to collusion with the mafia — Berlusconi needed to radically change public opinion, which had been extremely supportive of the corruption investigation before he entered politics. Through relentless daily attacks, the Berlusconi media went hammer and tong at the magistrates who investigated Berlusconi and his friends.

When he entered politics, Berlusconi invented a loud, highly partisan, bullying style of television news that in many ways anticipated Fox News and others. Berlusconi and a series of super-aggressive newscasters he had hired introduced an unprecedented degree of verbal violence and polarization

into Italian broadcast media. For years, Berlusconi's chief channel, Canale 5, aired a twenty-minute program every day that was hosted by Vittorio Sgarbi, a member of parliament with the conservative coalition, and dedicated almost entirely to attacking the prosecutors who dared investigate Berlusconi and his associates. Referring to the pool of anti-corruption magistrates in Milan, Sgarbi said at one point, "The prosecutors of Operation Clean Hands should be arrested; they are a band of criminals with a license to kill, aiming at the subversion of our democratic order." Berlusconi's family newspaper, *Il Giornale*, referred to the chief prosecutor of Palermo, who successfully tried Berlusconi's close friend and campaign manager for collusion with the mafia, as a death-squad leader.

While using his own media to attack his enemies, Berlusconi co-opted many of the media outlets he didn't own by finding ways to give their journalists money. For example, Bruno Vespa, the host of Rai's most important evening talk show, writes a column for Berlusconi's weekly newsmagazine *Panorama*. Francesco Pionati, the journalist who covered Berlusconi for the main state channel, also has a weekly column in *Panorama*. Thus, the two journalists who are most heard on the government broadcasting system received what amounts to a second salary from the politician they cover most frequently. Several important political columnists for the two main centrist

newspapers, *La Stampa* and the *Corriere della Sera*, have also received money from Berlusconi as columnists or consultants.

Another disturbing characteristic of the Berlusconi phenomenon was how he combined his control of hundreds of seats in parliament and thousands of key positions in the state bureaucracy by using his vast media power to manufacture pseudo-scandals at will. Thus, for example, a blistering exposé of supposed judicial wrongdoing would prompt Berlusconi's allies in parliament to call for an inquiry or disciplinary proceedings against the judges. The Berlusconi media would then cover these events, quoting members of parliament or the government, which, in turn, would give an appearance of substance and reality to their initial


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charges, which would lead to a new round of media stories and a new round of reaction from the political world. The charges, almost invariably, would prove after a few weeks or months or years to have no substance — a fact that would go unnoticed in the Berlusconi press (and often in other press as well) — but the country would already have moved on to a new series of equally unfounded charges.

For Berlusconi, media outlets were either friends or enemies. As an enemy, anything you published could be dismissed as an enemy attack.

Thus the former prosecutor Antonio Di Pietro, once the hero of the Milan anti-corruption investigation, became the object of a brutal press campaign, accusing him of taking bribes. The charges amounted to nothing — no evidence of bribe-taking emerged and he was never placed on trial — and Berlusconi's newspaper *Il Giornale* agreed to pay a significant amount in damages and print a long article retracting much of what the newspaper had been saying for several months. But the result of the charges was that Di Pietro was gradually transformed from a major rival of Berlusconi to a mostly marginal figure.

Berlusconi's attack dogs suffered numerous libel convictions, but by keeping up an almost daily assault on the investigative magistrates, they created enough doubt in the minds of average Italians — and there was little in the supposedly independent press to help them know what to believe — that most voters decided simply not to consider the question of corruption.

One of the things that Berlusconi did by entering politics and militarizing his own media empire was to polarize the entire Italian press corps and eliminate any idea that the press might serve as an independent forum where the claims of the political world could be evaluated with an element of detachment. "The Italian press has undergone a genetic mutation," says Ferruccio De Bortoli, editor in chief of the *Corriere della Sera* between 1997 and 2003. "Journalism is seen as having a purely ancillary function to a political design. A paper like the *Corriere* has traditionally played a role as an independent press institution, moderate but also a watchdog, a check against government power, a place of political and cultural encounter, where different views could clash and listen to one another. That has become much more difficult. Large industrial groups have always had the ability to influence and condition the media, but when one of those groups also runs the government, that brings about a real structural, genetic change."

De Bortoli knows whereof he speaks. During his years as editor in chief of the *Corriere*, he says, he felt constant political pressure. The owners of the *Corriere* and *La Stampa* are large industrial groups that do a great deal of business with the Italian state. The Fiat car company, which owns *La Stampa* and is a major shareholder in the *Corriere*, nearly went bankrupt in 2002-2003. Umberto Agnelli, the company's chairman, went to Berlusconi to ask for help. According to *Prima Pagina*, a media magazine based in Milan, he was reportedly told: "We could help, but the *Corriere* would probably rip the prime minister to shreds. Certainly, that newspaper is becoming more of a problem for you than for us." The implication was clear: get rid of De Bortoli or you won't have any help from us. The Berlusconi people were particularly upset about the paper's coverage of Berlusconi's several corruption trials. That coverage had been generally straightforward, but the fact that the paper gave *any* space to the trials — which dealt with bribery, corporate slush funds, and massive, secret overseas bank accounts on Mediaset's part — was a source of embarrassment and anger. De Bortoli was pressured into resigning. Nor was he the only editor to be pushed out.

In his time, Berlusconi destroyed not only the notion of journalistic objectivity in Italy, but also jour-

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nalistic autonomy. For Berlusconi, media outlets were either friends or enemies. If you published something damaging about him — the contents of an indictment or the substance of trial testimony — you were obviously an enemy. And since you were an enemy, anything that you published from that point forward could simply be dismissed as an enemy attack.

Thus did Berlusconi ensure that

fairness cast aside except as smoke in the eyes of the ingenuous viewer. "Fact number one, France stabbed us in the back," Bill O'Reilly told his audience at Fox in a program about the split between the U.S. and Europe over the Iraq invasion. Of course, O'Reilly is entitled to his belief that France betrayed the U.S. by not backing the invasion, just as the French are entitled to believe they

Recent scandals have shown how deeply entwined the strands of journalism and politics have become in Italy.

he and his supporters no longer had to respond to the substance of what newspapers reported or what magistrates found — the mere fact of its appearing in this paper or that paper meant that it could be dismissed *a priori*.

What Berlusconi has done in this regard bears a striking resemblance to the American right's attack on mainstream media: both undermine the idea of objective facts. Journalism has traditionally been attached to the idea that you had a right to your own opinions but not to your own facts. Objectivity may be a myth, but it is a useful myth that encourages journalists to try to maintain a sense of fairness and balance, a healthy respect for the facts, and a sense of obligation to report facts that run counter to their most cherished views. Thus a liberal reader of *The Wall Street Journal* might reject the views on the paper's editorial pages but still admire the superb reporting in its news pages. A conservative reader of *The New York Times* (or a very liberal one, for that matter) might dislike the way the paper has handled various issues but can almost always build a counterargument from facts reported by the paper that perhaps have been given insufficient weight.

Berlusconi, Rupert Murdoch, and others have forged a countermodel in which journalism is purely a political weapon, with any effort at

were merely exercising good judgment. But neither are facts.

When Richard Viguerie, the founder of *Conservative Digest* magazine and a major figure in the American right, was asked how conservative media could continue making totally unsubstantiated charges against John Kerry during the 2004 election campaign, he replied: "That's what journalism is. It's just all opinion. Just opinion." Although the right has long complained about the moral relativism of modern society, many on the right in Italy and the U.S., by pushing purely partisan journalism, have challenged the notion that there is anything to journalism other than spin.

Both Berlusconi and the American right have tried to eliminate the idea that there are any independent institutions that try to arrive at a set of agreed-upon facts — newspapers, courts, bipartisan commissions. Everything is politicized, so that when a particular entity reaches a conclusion that the right regards as negative it can be used to prove that that entity is "hostile," and therefore its conclusions can be disregarded.

Although the American press has a healthier tradition of independence than the Italian press, we have begun to see here, too, some of the blurring of lines between press and government that are so common in Italy. It came out in 2005, for example, that the Bush administration paid a prominent syndicated columnist \$240,000 to sing

the praises of Bush's main education program ("No Child Left Behind"). That same year, the Government Accountability Office chastised the administration for feeding TV stations ready-to-air news stories that touted administration policies but did not disclose the government as the source; and a Republican party operative was planted in the White House press corps and frequently called upon to ask the president softball questions.

That there are strong parallels between the Italian and American situations is not coincidental. Italy is the European country that has come closest to following the American model of commercial TV. Both Italian and American media are the products of a period of intense deregulation in the 1980s that has produced ever-greater concentration of ownership and a system devoid of any real antitrust or equal-access rules.

The Italian press has recovered slightly from the lowest moments of the Berlusconi era, when the main centrist papers, the *Corriere* and *La Stampa*, appeared to have been seriously intimidated by the government. After losing circulation for years as a dull and docile pro-government paper, Turin's *La Stampa* recently hired Giulio Anselmi, a fiercely independent journalist, and has begun to regain both readers and respect. The *Corriere*, under editor Paolo Mieli, who had long advocated political neutrality in journalism, took the unusual step of endorsing a candidate in the national elections in April. Criticizing Berlusconi for spending most of his energies pursuing his own business rather than the nation's, the paper endorsed the center-left coalition while simultaneously urging committed conservative readers to give their votes to members of the center-right coalition other than Berlusconi.

But recent scandals have shown how deeply entwined the strands of journalism and politics have become in Italy. In July, for example, it came out that the deputy editor of the right-wing newspaper *Libero* — a journalist who had been granted exclusive private

interviews with Berlusconi — was on the payroll of the Italian secret services and served as the conduit for publishing classified dossiers of information that were meant to damage Romano Prodi, the new prime minister. The journalist, Renato Farina, appears to have drawn the ultimate conclusion from the prevailing norms: if you are going to be a journalist in the service of political power, you might as well get paid for it. ■

Alexander Stille is the San Paolo Professor of International Journalism at the Graduate School of Journalism at Columbia University. He is the author of four books, most recently The Sack of Rome: How a Beautiful Country With a Fabled History and Storied Culture Was Taken Over by a Man Named Silvio Berlusconi.

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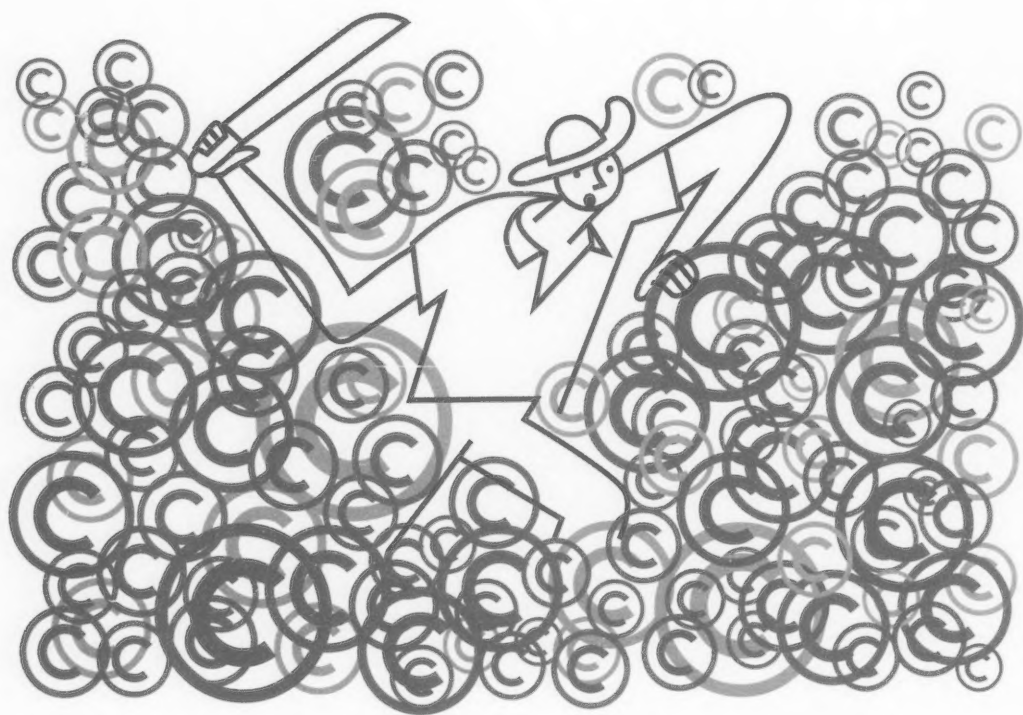


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Reporters seem lost in the realm of copyright, where a riot of new restrictions threaten creativity, research, and history. Here's a map.

COPYRIGHT JUNGLE



BY SIVA VAIDHYANATHAN

Last May, Kevin Kelly, *Wired* magazine's "senior maverick," published in *The New York Times Magazine* his predictive account of flux within the book-publishing world. Kelly outlined what he claimed will happen (not might or could — *will*) to the practices of writing and reading under a new regime fostered by Google's plan to scan millions of books and offer searchable texts to Internet users.

"So what happens when all the books in the world become a single liquid fabric of interconnected words and ideas?" Kelly wrote. "First,

works on the margins of popularity will find a small audience larger than the near-zero audience they usually have now. . . . Second, the universal library will deepen our grasp of history, as every original document in the course of civilization is scanned and cross-linked. Third, the universal library of all books will cultivate a new sense of authority . . ."

Kelly saw the linkage of text to text, book to book, as the answer to the information gaps that have made the progress of knowledge such a hard climb. "If you can truly incorporate all texts —

MICHAEL MABRY

past and present, multilingual — on a particular subject,” Kelly wrote, “then you can have a clearer sense of what we as a civilization, a species, do know and don’t know. The white spaces of our collective ignorance are highlighted, while the golden peaks of our knowledge are drawn with completeness. This degree of authority is only rarely achieved in scholarship today, but it will become routine.”

Such heady predictions of technological revolution have become so common, so accepted in our techno-fundamentalist culture, that even when John Updike criticized Kelly’s vision in an essay published a month later in *The New York Times Book Review*, he did not so much doubt Kelly’s vision of a universal digital library as lament it.

As it turns out, the move toward universal

Reporters often fail to see the big picture in copyright stories: that what is at stake is the long-term health of our culture.

knowledge is not so easy. Google’s project, if it survives court challenges, would probably have modest effects on writing, reading, and publishing. For one thing, Kelly’s predictions depend on a part of the system he slights in his article: the copyright system. Copyright is not Kelly’s friend. He mentions it as a nuisance on the edge of his dream. To acknowledge that a lawyer-built system might trump an engineer-built system would have run counter to Kelly’s sermon.

Much of the press coverage of the Google project has missed some key facts: most libraries that are allowing Google to scan books are, so far, providing only books published before 1923 and thus already in the public domain, essentially missing most of the relevant and important books that scholars and researchers — not to mention casual readers — might want. Meanwhile, the current American copyright system will probably kill Google’s plan to scan the collections of the University of Michigan and the University of California system — the only libraries willing to offer Google works currently covered by copyright. In his article, Kelly breezed past the fact that the copyrighted works will be presented in a useless format — “snippets” that allow readers only glimpses into how a term is used in the text. Google users will not be able to read, copy, or print copyrighted works via Google. Google accepted that arrangement to limit its copyright liability. But the more “copyright friendly” the Google system is, the less user-friendly, and useful, it is. And even so it still may not fly in court.

Google is exploiting the instability of the copyright system in a digital age. The company’s struggle with publishers over its legal ability to pursue its project is the most interesting and perhaps most transformative conflict in the copyright wars. But there are many other battles — and many other significant stories — out in the copyright jungle. Yet reporters seem lost.

Copyright in recent years has certainly become too strong for its own good. It protects more content and outlaws more acts than ever before. It stifles individual creativity and hampers the discovery and sharing of culture and knowledge. To convey all this to readers, journalists need to understand the principles, paradoxes, licenses, and limits of the increasingly troubled copyright system. Copyright is not just an interesting story. As the most pervasive regulation of speech and culture, the copyright system will help determine the richness and strength of democracy in the twenty-first century.

THE COPYRIGHT WARS

It’s not that the press has ignored copyright. Recent fights have generated a remarkable amount of press. Since Napster broke into the news in 2000, journalists have been scrambling to keep up with the fast-moving and complicated stories of content protection, distribution, and revision that make up the wide array of copyright conflicts.

During this time of rapid change it’s been all too easy for reporters to fall into the trap of false dichotomies: hackers versus movie studios; kids versus music companies; librarians versus publishers. The peer-to-peer and music-file-sharing story, for instance, has consistently been covered as a business story with the tone of the sports page: winners and losers, scores and stats. In fact, peer-to-peer file sharing was more about technological innovation and the ways we use music in our lives than any sort of threat to the commercial music industry. As it stands today, after dozens of court cases and congressional hearings, peer-to-peer file-sharing remains strong. So does the music industry. The sky did not fall, our expectations did.

The most recent headline-grabbing copyright battle involved *The Da Vinci Code*. Did Dan Brown recycle elements of a 1982 nonfiction book for his bestselling novel? The authors of the earlier book sued Brown’s publisher, Random House U.K., in a London court in the spring of 2006 in an effort to prove that Brown lifted protected elements of their book, what they called “the architecture” of a speculative conspiracy theory about the life of Jesus. In the coverage of the trial, some reporters — even in publications like *The New York Times*, *The Washington Post*, and *The San Diego Union-Tribune* — used the word “plagiarism” as if it were a legal concept or cause of action. It isn’t. Copyright infringe-

ment and plagiarism are different acts with some potential overlap. One may infringe upon a copyright without plagiarizing and one may plagiarize — use ideas without attribution — without breaking the law. Plagiarism is an ethical concept. Copyright is a legal one.

Perhaps most troubling, though, was the way in which the *Da Vinci Code* story was so often covered without a clear statement of the operative principle of copyright: one cannot protect facts and ideas, only specific expressions of ideas. Dan Brown and Random House U.K. prevailed in the London court because the judge clearly saw that the earlier authors were trying to protect ideas. Most people don't understand that important distinction. So it's no surprise that most reporters don't either.

Reporters often fail to see the big picture in copyright stories: that what is at stake is the long-term health of our culture. If the copyright system fails, huge industries could crumble. If it gets too strong, it could strangle future creativity and research. It is complex, and complexity can be a hard thing to render in journalistic prose.

The work situation of most reporters may also impede a thorough understanding of how copyright affects us all. Reporters labor for content companies, after all, and tend to view their role in the copyright system as one-dimensional. They are creators who get paid by copyright holders. So it's understandable

for journalists to express a certain amount of anxiety about the ways digital technologies have allowed expensive content to flow around the world cheaply.

Yet reporters can't gather the raw material for their craft without a rich library of information in accessible form. When I was a reporter in the 1980s and 1990s, I could not write a good story without scouring the library and newspaper archives for other stories that added context. And like every reporter, I was constantly aware that my work was just one element in a cacophony of texts seeking readers and contributing to the aggregate understanding of our world. I was as much a copyright user as I was a copyright producer. Now that I write books, I am even more aware of my role as a taker and a giver. It takes a library, after all, to write a book.

THE RIGHT TO SAY NO

We are constantly reminded that copyright law, as the Supreme Court once declared, is an "engine of free expression." But more often these days, it's instead an engine of corporate censorship.

Copyright is the right to say no. Copyright holders get to tell the rest of us that we can't build on, revise, copy, or distribute their work. That's a fair bargain most of the time. Copyright provides the incentive to bring work to market. It's impossible to imagine anyone anteing up \$300 million for *Spider-Man 3* if we did not have a reasonable belief that

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copyright laws would limit its distribution to mostly legitimate and moneymaking channels.

Yet copyright has the potential of locking up knowledge, insight, information, and wisdom from the rest of the world. So it is also fundamentally a *conditional* restriction on speech and print. Copyright and the First Amendment are in constant and necessary tension. The law has for most of American history limited copyright — allowing it to fill its role as an incentive-maker for new creators yet curbing its censorious powers. For most of its 300-year history, the system has served us well, protecting the integrity of creative work while allowing the next generation of creators to build on the cultural foundations around them. These rights have helped fill our libraries with books, our walls with art, and our lives with song.

But something has gone terribly wrong. In recent years, large multinational media companies have captured the global copyright system and twisted it toward their own short-term interests. The people who are supposed to benefit most from a system that makes ideas available — readers, students, and citizens — have been excluded. No one in Congress wants to hear from college students or librarians.

More than ever, the law restricts what individuals can do with elements of their own culture. Generally the exercise of copyright protection is so extreme these days that even the most innocent use of images or song lyrics in scholarly work can generate a legal threat. Last year one of the brightest students in my department got an article accepted in the leading journal in the field. It was about advertising in the 1930s. The journal's lawyers and editors refused to let her use images from the ads in question without permission, even though it is impossible to find out who owns the ads or if they were ever covered by copyright in the first place. The chilling effect trumped any claim of scholarly "fair use" or even common sense.

WHAT HAS CHANGED

For most of the history of copyright in Europe and the United States, copying was hard and expensive, and the law punished those who made whole copies of others' material for profit. The principle was simple: legitimate publishers would make no money after investing so much in authors, editors, and printing presses if the same products were available on the street. The price in such a hyper-competitive market would drop to close to zero. So copyright created artificial scarcity.

But we live in an age of abundance. Millions of people have in their homes and offices powerful copying machines and communication devices: their personal computers. It's almost impossible to keep digital materials scarce once they are released to the public.

The industries that live by copyright — music, film, publishing, and software companies — continue to try. They encrypt video discs and compact discs so that consumers can't play them on computers or make personal copies. They monitor and sue consumers who allow others to share digital materials over the Internet. But none of these tactics seem to be working. In fact, they have been counterproductive. The bullying attitude has alienated consumers. That does not mean that copyright has failed or that it has no future. It just has a more complicated and nuanced existence.

Here is the fundamental paradox: media companies keep expanding across the globe. They pro-

Here is the paradox:
media companies keep
expanding across the globe,
producing more products
every year, yet repeatedly
telling us they are in crisis.

duce more software, books, music, video games, and films every year. They charge more for those products every year. And those industries repeatedly tell us that they are in crisis. If we do not radically alter our laws, technologies, and habits, the media companies argue, the industries that copyright protects will wither and die.

Yet they are not dying. Strangely, the global copyright industries are still rich and powerful. Many of them are adapting, changing their containers and their content, but they keep growing, expanding across the globe. Revenues in the music business did drop steadily from 2000 to 2003 — some years by up to 6.8 percent. Millions of people in Europe and North America use their high-speed Internet connections to download music files free. From Moscow to Mexico City to Manila, film and video piracy is rampant. For much of the world, teeming pirate bazaars serve as the chief (often only) source of those products. Yet the music industry has recovered from its early-decade lull rather well. Revenues for the major commercial labels in 2004 were 3.3 percent above 2003. Unit sales were up 4.4 percent. Revenues in 2004 were higher than in 1997 and comparable to those of 1998 — then considered very healthy years for the recording industry. This while illegal downloading continued all over the world.

Yet despite their ability to thrive in a new global/digital environment, the companies push for ever more restrictive laws — laws that fail to recognize the realities of the global flows of people, culture, and technology.

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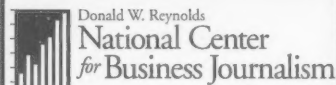
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Savannah (Ga.) Morning News



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Europe, and Australia threaten to chill creativity at the ground level — among noncorporate, individual, and communal artists. As a result, the risk and price of reusing elements of copyrighted culture are higher than ever before. If you wanted to make a scholarly documentary film about the history of country music, for example, you might end up with one that slights the contribution of Hank Williams and Elvis Presley because their estates would deny you permission to use the archival material. Other archives and estates would charge you prohibitive fees. We are losing much of the history of the twentieth century because the copyright industries are more litigious than ever.

Yet copyright, like culture itself, is not zero-sum. In its first week-end of theatrical release, *Star Wars Episode III: Revenge of the Sith* made a record \$158.5 million at the box office. At the same time, thousands of people downloaded high-quality pirated digital copies from the Internet. Just days after the blockbuster release of the movie, attorneys for 20th Century Fox sent thousands of "cease-and-desist" letters to those sharing copies of the film over the Internet. The practice continued unabated.

How could a film make so much money when it was competing against its free version? The key to understanding that seeming paradox — less control, more revenue — is to realize that every download does not equal a lost sale. As the Stanford law professor Lawrence Lessig has argued, during the time when music downloads were 2.6 times those of legitimate music sales, revenues dropped less than 7 percent. If every download replaced a sale, there would be no commercial music industry left. The relationship between the free version and the legitimate version is rather complex, like the relationship between a public library and a book publisher. Sometimes free stuff sells stuff.

CHECKS AND UNBALANCES

Here's a primer for reporters who find themselves lost in the copyright jungle: American copyright law offers four basic democratic safeguards to the censorious power of copyright, a sort of bargain with the people. Each of these safeguards is currently at risk:

■ First and foremost, copyrights eventually expire, thus placing works into the public domain for all to buy cheaply and use freely. That is the most important part of the copyright bargain: We the people grant copyright as a temporary monopoly over the reproduction and distribution of specific works, and eventually we get the material back for the sake of our common heritage and collective knowledge. The works of Melville and Twain once benefited their authors exclusively. Now they belong to all of us. But as Congress continues to extend the term of copyright protection for works created decades ago (as it did in 1998 by adding twenty years to all active copyrights) it robs the people of their legacy.

■ Second, copyright restricts what consumers can do with the text of a book, but not the book itself; it governs the content, not the container. Thus people may sell and buy used books, and libraries may lend books freely, without permission from publishers. In the digital realm, however, copyright holders may install digital-rights-management schemes that limit the transportation of both the container and the content. So libraries may not lend out major portions of their materials if they are in digital form. As more works are digitized, libraries are shifting to the lighter, space-saving formats. As a result, libraries of the future could be less useful to citizens.

■ Third, as we have seen, copyright governs specific expressions,

but not the facts or ideas upon which the expressions are based. Copyright does not protect ideas. But that is one of the most widely misunderstood aspects of copyright. And even that basic principle is under attack in the new digital environment. In 1997, the National Basketball Association tried to get pager and Internet companies to refrain from distributing game scores without permission. And more recently, Major League Baseball has tried, but so far has failed, to license the use of player statistics to limit "free riding" firms that make money facilitating fantasy baseball leagues. Every Congressional session, database companies try to create a new form of intellectual property that protects facts and data, thus evading the basic democratic right that lets facts flow freely.

■ Fourth, and not least, the copyright system has built into it an exception to the power of copyright: fair use. This significant loophole, too, is widely misunderstood, and deserves further discussion.

Generally, one may copy portions of another's copyrighted work (and sometimes the entire work) for private, noncommercial uses, for education, criticism, journalism, or parody. Fair use operates as a defense against an accusation of infringement and grants confidence to users that they most likely will not be sued for using works in a reasonable way.

On paper, fair use seems pretty healthy. In recent years, for example, courts have definitively stated that making a parody of a copyrighted work is considered "transformative" and thus fair. Another example: a major ruling in 2002 enabled image search engines such as Google to thrive and expand beyond simple Web text searching into images and video because "thumbnails" of digital photographs are considered to be fair uses. Thumbnails, the court ruled, do not replace the original in the marketplace.

But two factors have put fair use beyond the reach of many users, especially artists and authors. First and foremost, fair use does not help you if your publisher or distributor does not believe in it. Many publishers demand that every quote — no matter how short or for what purpose — be cleared with specific permission, which is extremely cumbersome and often costly.

And fair use is somewhat confusing. There is widespread misunderstanding about it. In public forums I have heard claims such as "you can take 20 percent" of a work before the use becomes unfair, or, "there is a forty-word rule" for long quotes of text. Neither rule exists. Fair use is intentionally vague. It is meant for judges to apply, case by case. Meanwhile, copyright holders are more aggressive than ever and publishers and distributors are more concerned about suits. So in the real world, fair use is less fair and less useful.

THE BIGGEST COPY MACHINE

Fair use is designed for small ball. It's supposed to create some breathing room for individual critics or creators to do what they do. Under current law it's not appropriate for large-scale endeavors — like the Google library project. Fair use may be too rickety a structure to support both free speech and the vast dreams of Google.

Reporters need to understand the company's copyright ambitions. Google announced in December 2004 that it would begin scanning in millions of copyrighted books from the University of Michigan library, and in August 2006 the University of California system signed on. Predictably, some prominent publishers and authors have filed suit against the search-engine company.

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The company's plan was to include those works in its "Google Book Search" service. Books from the library would supplement both the copyrighted books that Google has contracted to offer via its "partner" program with publishers and the uncopyrighted works scanned from other libraries, including libraries of Harvard, Oxford, and New York City. While it would offer readers full-text access to older works out of copyright, it would provide only "snippets" of the copyrighted works that it scans without the authors' permission from Michigan and California.

Google says that because users will only experience "snippets" of copyrighted text, their use of such material should be considered a fair use. That argu-

If the concept of
fair use is in danger,
then good journalism
is also threatened.
Every journalist relies on
fair use every day.

ment will be tested in court. But whether those snippets constitute fair use is just one part of the issue. To generate the "snippets," Google is scanning the entire works and storing them on its servers. The plaintiffs argue that the initial scanning of the books itself — done to create the snippets from a vast database — constitutes copyright infringement, the very core of copyright. Courts will have to weigh whether the public is better served by a strict and clear conception of copyright law — that only the copyright holder has the right to give permission for any copy, regardless of the ultimate use or effect on the market — or a more flexible and pragmatic one in which the user experience matters more.

One of the least understood concepts of Google's business is that it copies everything. When we post our words and images on the Web, we are implicitly licensing Google, Yahoo, and other search engines to make copies of our content to store in their huge farms of servers. Without such "cache" copies, search engines could not read and link to Web pages. In the Web world, massive copying is just business as usual.

But through the library project, Google is imposing the norms of the Web on authors and publishers who have not willingly digitized their works and thus have not licensed search engines to make cache copies. Publishers, at first, worried that the Google project would threaten book sales, but it soon became clear that project offers no risk to publishers' core markets and projects. If anything, it could serve as a marketing boon. Now publishers are most offended by the prospect of a wealthy up-

start corporation's "free-riding" on their content to offer a commercial and potentially lucrative service without any regard for compensation or quality control. The publishers, in short, would like a piece of the revenue, and some say about the manner of display and search results.

Copyright has rarely been used as leverage to govern ancillary markets for goods that enhance the value or utility of the copyrighted works. Publishers have never, for instance, sued the makers of library catalogs, eyeglasses, or bookcases. But these are extreme times.

The mood of U.S. courts in recent years, especially the Supreme Court, has been to side with the copyright holder in this time of great technological flux. Google is an upstart facing off against some of the most powerful media companies in the world, including Viacom, News Corporation, and Disney — all of which have publishing wings. Courts will probably see this case as the existential showdown over the nature and future of copyright and rule to defend the status quo. Journalists should follow the case closely. The footnotes of any court decision could shape the future of journalism, publishing, libraries, and democracy.

OUT OF THE JUNGLE

Google aside, in recent years — thanks to the ferocious mania to protect everything and the astounding political power of media companies — the basic, democratic checks and balances that ensured that copyright would not operate as an instrument of private censorship have been seriously eroded. The most endangered principle is fair use: the right to use others' copyrighted works in a reasonable way to promote important public functions such as criticism or education. And if fair use is in danger then good journalism is also threatened. Every journalist relies on fair use every day. So journalists have a self-interest in the copyright story.

And so does our society. Copyright was designed, as the Constitution declares, to "promote the progress" of knowledge and creativity. In the last thirty years we have seen this brilliant system corrupted and captured by the very industries that the old laws fostered. Yet the complexity and nuanced nature of copyright battles make it hard for nonexperts to grasp what's at stake.

So it's up to journalists to push deeper into stories in which copyright plays a part. Then the real challenge begins: explaining this messy system in clear language to a curious but confused audience. ■

Siva Vaidhyanathan is an associate professor of culture and communication at New York University. He is the author of Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity and The Anarchist in the Library. He blogs at Sivaocracy.net.

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IDEAS & REVIEWS

ESSAY

KNOW THINE ENEMY

A RASH OF NEW BOOKS BY PERSIAN WRITERS
OFFER THE WEST A CHANCE TO RE-IMAGINE IRAN

BY BILL BERKELEY

On a reporting trip to Iran in the spring of 2004, I visited the northeastern city of Mashhad. It's an important pilgrimage destination for Shiite Muslims, a sprawling, low-slung metropolis that fans out from a central plaza built around the gold-domed shrine of the Imam Reza. Imam Reza is believed to have hailed from the family of the prophet Mohammad. He was designated the eighth of the twelve sacred imams of the Shi'a faith, and is the only one buried in Iran. Hundreds of thousands of devout Shiites from across south Asia and the Arab world make pilgrimages to Mashhad each year to worship inside this splendid compound of aquatiled spires and arches, luminous chandeliers, and gushing fountains under two glittering domes.

My own experience of Mashhad was memorable



for a different reason: it raised fresh doubts about the significance of religious orthodoxy in the Islamic Republic.

My driver in Mashhad was an amiable, bearded man named Ali, whose enviable ability to shirk traffic rules and park in no-parking zones was soon explained by his membership in the *Basij* militia, the hard-line paramilitary force that serves as one of the main coercive arms of the ruling mullahs. Like many *Basiji*, Ali, who is from a poor and devout family in the hinterland far from Tehran, had joined the *Basij* as a sixteen-year-old and gone off to fight in the Iran-Iraq war. The *Basiji* achieved notoriety in the war for their massive human-wave attacks and suicidal mine-sweeping operations, in which tens of thousands perished. Ali himself was wounded by shrapnel.

SELÇUK DEMIREL

After eight years of brutal fighting and incessant clerical exhortations about the inevitable triumph of the armies of God, Iran's war with Iraq ended without achieving any of its declared objectives. For many veterans like Ali, there was a ready explanation for this disastrous turn of events. It was not the inadequacy of Iran's military planning or the miscalculations of its commanders. Rather, Ali told me, it was the West's cynical machinations that had turned the tide of battle. Ali reminded me that the Reagan administration, eager to block revolutionary Iran from defeating Iraq and spreading its influence across the Persian Gulf, helped arm Saddam Hussein and provided him with satellite reconnaissance of Iranian troop positions. Ali and many of his comrades would remain forever suspicious of America, and steadfast supporters of the ruling mullahs.

For all that, Ali, like so many Iranians I'd met, was eager to invite an American into his home. And so one evening Ali's wife and daughter served me a scrumptious traditional lamb stew known as *abgusht*. After a dessert of peeled cucumbers and tangerines, we shared a water pipe, known as a hookah, and talked into the night. When it was time to leave, Layli, Ali's lovely thirteen-year-old daughter, eagerly pressed upon me a delicate silver necklace — a gift for my own daughter back in New York.

On the strength of this warm experience of cross-cultural bonding, over lunch the following day I put a sensitive question to Ali that I'd wanted to ask all along. "Ali," I said, "do you think these ruling mullahs are genuinely religious people?" Or did he think, as many Iranians I'd spoken to had told me, that they are just using religion as an instrument of power?

Ali listened carefully as the question was translated. A small smile crossed his lips. But he said nothing. He simply let the question pass.

After lunch, we repaired to a teashop across the street. I put the question to him a second time. "Ali," I said, "You didn't answer my question. Do you think these mul-

lahs are genuinely motivated by religious piety?"

Again Ali listened carefully as the question was translated. Again a smile crossed his lips. And again he said nothing.

I've reported enough from abroad to know not to generalize too much from a single interview with an opinionated driver — a classic error of foreign correspondence. But it struck me as significant that this avowed supporter of the regime, deeply suspicious of America, was unwilling to defend the reli-

Are the ruling mullahs truly religious, or do they merely use religion for power?

gious bona fides of the ruling clerics — the core of the regime's ideology and a central pillar of its legitimacy — in response to a question from an American journalist.

I had grown accustomed to middle-class elites back in north Tehran vehemently mocking the religious pretensions of the ruling mullahs. But a *Basiji* in conservative Mashhad? Surely he would vouch for the clerics. Ali's disinclination to do so seemed to suggest just how cynical even the regime's most trusted allies had long since become — and how illusory its mask of religious orthodoxy really was. It fit into an impression I had that was reinforced in scores of subsequent interviews with Iranians across a broad spectrum, left and right, high and low.

My encounter with Ali was typical of Iran: surprising, paradoxical, counterintuitive, and both gratifying and humbling for an American reporter whose memory of cold-war intrigue was short and whose assumptions about the so-called Islamic Republic turned out to be inadequate. Those assumptions would be all the more confounded a year later, when Ali and his *Basiji* confederates played a key role in electing one of their own, the fiery Mahmoud Ahmadinejad, as president — apparently in protest against their sponsors among the mullahs as much as in support of them.

Ahmadinejad's election surprised

nearly everyone, not least the American journalists who covered it. In the fifteen months since then — a time of escalating tensions over Iran's nuclear program, of ever more belligerent rhetoric from Washington, Tehran, and Jerusalem, of growing Iranian influence in American-occupied Iraq, and of fighting in Lebanon and Gaza between Israel and Iran's allies, Hezbollah and Hamas — there has been a blizzard of U.S. media coverage of this avowed Islamic theocracy. But how well do we really know Iran? And

how well are the American media helping us to understand it?

A proliferation of new books in English by Persian-speaking journalists and scholars suggest that we don't know it as well as we ought to. The books shed valuable light on a country that has long been prone to journalistic caricature. At a time when Iran is routinely conflated in our public discourse with al Qaeda and even Nazism bent on genocide — "the world's foremost state sponsor of terrorism," the "axis of evil" — a deeper and more nuanced impression of this seemingly intractable foe is long overdue. Together the new books convey a more complex and evolving picture, one notably lacking in the moral clarity that Americans too often project onto Iran when we view it through the prism of Islam or the Holocaust.

The challenge of getting it right on Iran has vexed American journalists for more than a quarter century, beginning with the revolution that swept the mullahs to power in 1979 — an event that also surprised and confounded nearly everyone — and especially with the hostage crisis that ensued in November of that year. The seizure of the American embassy in Tehran by Iranian student militants and the holding of fifty-two American hostages for more than a year was a seminal event. It helped bring down

Jimmy Carter's presidency, spurred a new ideology on the American right that would come to be called "neo-conservatism," and seared into America's consciousness a phenomenon that came to be called "militant Islam." Then, as now, the challenge of reporting on an immense national trauma at the hands of seemingly alien and irrational Muslims was fraught with problems.

Among the most vociferous critics of the America media then was Edward Said, the late Columbia University professor and intellectual pugilist, whose 1981 book *Covering*

casts on ABC, which began as a late-night special called "America Held Hostage" and evolved into *Nightline*, the show that Koppel would host for the next quarter century.

Similarly, there has been some excellent reporting from Iran today. Some of the best has come from a growing legion of young Persian-speaking reporters, mostly of Iranian background, who have penetrated Iranian society in a way that reporters who lack the language rarely can. A number of these young reporters have produced valuable books. Christopher de Bellaigue's *In*

ington Post correspondent who covered the revolution in 1979, had this to say about Western press coverage of Iran, then and now:

Journalists from all over the world with little direct knowledge of Iran spent far too much time among the people who live at the top of Tehran's hills — the ones who wore well-tailored suits and spoke English or French — and not enough time at the bottom of the hills or in the bazaars, which is where the real revolution was coming from. I was as guilty of this as my colleagues. We spent hours conversing with secular liberals among the Iranian bourgeoisie and with the westernized political pretenders who expected to be important after the Shah was gone. . . . In my recollection, only the late, great Don Schanche of the *Los Angeles Times* had any feel for the Khomeini phenomenon that was building among the no-necktie masses. The result was that we were surprised by the outcome, when we shouldn't have been.

Lippman was responding to a comment, in the wake of Iran's presidential election, on Columbia University's invaluable Gulf/2000 Web site, posted by Cyrus Safdari, an independent Iranian-born analyst. Safdari had this to say about the Western media's failure to anticipate Ahmadinejad's victory:

The past several years we have witnessed an almost obsessive coverage of Iran's . . . "gilded youth" of Northern Tehran (some of it by U.S.-based Iranian reporters who come from the same background themselves) and their alcoholic shenanigans, hipster bloggers with one foot in the West, and not to mention the almost lurid obsession over women who have nose jobs and wear Victoria's Secret underwear, etc. They've only entered a neighborhood mosque as a tourist, never attended a local guild meeting, they have no idea of the complex religion-based substratum of Iranian society, have only occasionally ventured to southern Tehran, and once there have tended to ridicule and express disgust at the vast portion of Iranians — the so-called "pious poor" — who have apparently voted for Ahmadinejad.

To understand Iranian politics, the book to read is not the Koran but Machiavelli.

Islam — How the Media and the Experts Determine How We See the Rest of the World dwelled mostly on coverage of Iran. It was an early broadside against what Said called "highly exaggerated stereotyping and belligerent hostility" in much media coverage of the Muslim world. Said decried typical news accounts of "Islam" — what he called "a poorly defined and badly misunderstood abstraction" — as a steady diet of myths and generalizations purporting to show that Islam was "one unchanging thing that could be grasped over and above the remarkably varied history, geography, social structure, and culture of the forty Islamic nations" on four continents. In the place of what he called "references to the Islamic mentality or Shi'a predilections for martyrdom or any of the other nonsense parading as relevant 'information,'" Said advocated reporting that "understands politics . . . understands and makes no attempt to lie about what moves men and women to act in this (Iran) as well as other societies."

As he was wont to do throughout a long and controversial career, Said sometimes overstated his case and cherry-picked the evidence to support it. Then, as now, there was good as well as bad reporting on Iran, and even some great and memorable journalism, most notably Ted Koppel's nightly broad-

the Rose Garden of the Martyrs and Azedah Moaveni's *Lipstick Jihad*, both published last year, are of uneven quality, yet they achieve an enviable intimacy with Iranian society that belies the crude stereotypes that Americans have grown accustomed to. The best of this genre, to my mind, is Afshin Molavi's *Persian Pilgrimages*, a skillfully reported and marvelously told political travelogue first published in 2002 and reissued last year in paperback under a new title, *The Soul of Iran*. Molavi, who reported from Iran for *The Washington Post*, weaves his own travels into an engaging and highly informative tour of Iranian history, politics, and culture. The result is a multilayered portrait that leaves us no less wary of the ruling mullahs but vastly more sympathetic toward the Iranian people.

Still, some of Said's concerns a quarter century ago were valid, and they remain so in the current coverage of Iran. One classic error of foreign correspondence that was much in evidence then helps explain how so few American reporters anticipated the election (however flawed) last year of Ahmadinejad as president. It's the mistake of reporting excessively among the elite who speak English, and too little among the poor and (seemingly) marginal folks, like Ali in Mashhad.

Thomas W. Lippman, a *Wash-*

Safdari has a point — although one of the most interesting of the past year's books on Iran is indeed about Iranian bloggers. *We Are Iran — The Persian Blogs*, by Nasrin Alavi, a London-based Iranian journalist, is a fascinating account of the explosive growth of the Iranian blogosphere.

And yet for all the fawning coverage over the past decade of Iranian reformists, whose brief and hopeful heyday under former President Mohammad Khatami came crashing down with Ahmadinejad's election, the overwhelming impression Americans have of Iran remains that of the bearded and black-veiled revolutionaries of a generation ago, during the hostage crisis, chanting "Death to the Great Satan!" — a seemingly alien, inscrutable, implacably hostile land of raving fanatics. President Ahmadinejad has certainly reinforced this impression with his bellicose speeches doubting the Holocaust and declaring that Israel should be wiped off the map.

But here it seems to me we have too often been swayed by two more classic errors of foreign correspondence. One is the danger of dwelling on exotica. It's not just the ubiquitous images of black chadors which, in geopolitics no less than in physiology, obscure more than they reveal. It's Islam itself, as vaguely defined an abstraction today as it was in 1979. The very use of the label "Islamic" to characterize Iran's regime falls prey to a propaganda ploy that even many of the Iranian regime's most loyal supporters — people like Ali in Mashhad — no longer take seriously. In four trips to Iran in the last two years, I formed an impression that "Islamic" is scarcely more informative as a descriptive adjective for the Islamic Republic than "Democratic" was informative about East Germany when it billed itself the German Democratic Republic.

Many Iranians will tell you that the key to understanding Iranian politics is to be found not in religious teachings but in the univer-

sal exigencies of power: the book to read is not the Koran but Machiavelli. The thing to remember is, as an Iranian diplomat wryly put it to me, citing Tip O'Neill: "All politics is local." And another thing: "Follow the money." President Ahmadinejad may well be genuinely motivated by religious ideology, but if he is, most Iranians will tell you, he is just about the only Iranian leader who is. And he is not the most powerful leader in Iran, least of all on foreign policy. The most powerful is the supreme leader, Ali Khamenei, who likewise talks tough — in July he said the Israeli strikes against Lebanon proved that "the presence of Zionists in the region is a Satanic and cancerous presence" — but is widely viewed as a cunning pragmatist who governs by consensus among an array of competing interests and political rivals.

Iranian politicians, like politicians everywhere, are mostly motivated by power, not religious ideology. Religion in Iran, as elsewhere throughout history, has political uses — and abuses — that suffuse the struggle for power. In the Islamic Republic, Islam is a mask of power.

Two U.S.-based scholars of Iranian background, Ali Gheissari and Vali Nasr, put it this way in their concise and informative new history, *Democracy in Iran — History and the Quest for Liberty*: "Born of a social revolution, the theocratic edifice of the Islamic Republic has nevertheless produced a pragmatic authoritarian regime. That regime speaks in the language of Islam but rules over society and the economy in ways that are familiar to political observers of developing societies." The Gheissari-Nasr book, while sometimes dense and dry for a general reader, is also a useful reminder that Iran, more than any other Muslim country in the Muslim Middle East apart from Turkey, has a century-long history of struggle for democracy and the rule of law. That struggle has been repeatedly sabotaged not just by the revolutionary mullahs but by the United States, which helped topple the elected

government of Mohammed Mossadegh in a CIA-backed coup in 1953.

Professor Nasr has also published a second book this year called *The Shia Revival*, a valuable primer on Sunni-Shia divisions. In it he highlights how religion is but a small piece of the larger context meant to be described by such sectarian labels. "It is not just a hoary religious dispute," he tells us, "a fossilized set piece from the early years of Islam's unfolding, but a contemporary clash of identities. Theological and historical disagreements fuel it, but so do today's concerns with power, subjugation, freedom, and equality, not to mention regional conflicts and foreign intrigues."

The ritual identifier "Islamic" is problematic for another reason: it perpetuates flawed assumptions about motives and alliances. We assume that "Islamic" Iran is somehow allied with other groups that call themselves "Islamic," not least al Qaeda. The Bush administration has reinforced this impression with its repeated characterization of Iran as "the world's foremost state sponsor of terrorism," conflating Iran in our "war against terrorism" with the authors of September 11. The press too often repeats that characterization uncritically. In fact, Shiite Iran was a mortal enemy of both al Qaeda and the Taliban. After the attacks of September 11, 2001, Iran helped the United States bring down the Taliban by facilitating ties with Iran's old ally in Afghanistan, the Northern Alliance.

It's worth noting, too, that the "world's foremost state sponsor of terrorism" formulation obscures the fact that Iran's support for terrorism over the last decade has been confined almost exclusively to Lebanon and the Israeli-Palestinian conflict, in which Iran has long backed the rejectionist groups Hezbollah, Hamas, and Islamic Jihad. Iran has not been linked to an attack on American interests since the 1996 bombing of the Khobar Towers military housing complex in Saudi Arabia.

Lamentable as Iran's support for Hamas and Hezbollah may be, it

seems to me that here we have too often been swayed by a third classic error of foreign correspondence: projecting the template from a different part of the world at another time in history — in this case the Holocaust — onto contemporary problems in a part of the world, the Middle East, where the circumstances are far from analogous. For all the recent rhetoric about wiping Israel off the map, which is hardly new, the Iranians are not Nazis. For one thing, Iran is not the dominant military power in the region, Israel is. Iran can harass Israel through its proxies, Hamas, Islamic Jihad, and Hezbollah, but it lacks the military capacity to attack Israel itself. Moreover, Iran lacks a rational motive for doing so, since Israel would surely respond to such an attack with massive force that could jeopardize the Iranian regime's survival in power.

For all its bluster, many Iranians and most experts on Iran will tell you, the Iranian leadership is not irrational. Time and again, at least since the disillusioning end of the Iran-Iraq war, Iran's rulers, when given the choice between ideology and national interests, have come down on the side of national interests. At the same time, Israel, looking after its own strategic interests and viewing Iran as a rival in a post-cold war world bereft of the Soviet threat that reliably bound Washington to Jerusalem, has often invoked the moral clarity of the Holocaust to demonize Iran. It was former Prime Minister Shimon Peres who first called Iran "more dangerous than Hitler." More recently, Israel's current prime minister, Ehud Olmert, called Mahmoud Ahmadinejad "a psychopath of the worst kind. He speaks like Hitler did of the extermination of the entire Jewish nation."

For a timely and provocative history of the rivalry between Israel and Iran, we will soon have the forthcoming *Treacherous Triangle — the Secret Dealings of Iran, Israel, and the United States*, by Trita Parsi, an Iranian-born scholar. Parsi's research cuts through the existentialist rhetoric of all sides and views this frightening conflict

through the cold-eyed calculations of regional rivals ever jockeying not to annihilate each other but merely to gain strategic advantage. The book should be required reading for those inclined to see conflict in the Middle East as a zero sum contest of good against evil.

Likewise, Ali Ansari's *Confronting Iran: The Failure of American Foreign Policy and the Next Great Crisis in the Middle East* is a thoughtful, readable, and well-reasoned history of relations between the United States and Iran that cautions against too much moral clarity on either side. Ansari, an Iranian-born historian at the University of St. Andrews in Scotland, reviews not just the indelible tragedies of the 1953 coup and the 1979 hostage crisis, but also the many opportunities that have been lost as both sides seem forever bent on bringing out the worst in each other. Ansari, no apologist for the mullahs, nevertheless argues that after years of bellicose rhetoric from the Bush administration about "regime change" and "the axis of evil," which to Iranian ears sound every bit as terrifying as "wiped off the face of the map" sounds to Israelis, the Iranian leadership is convinced that Washington's attempt to block Iran from developing nuclear weapons is only a thinly veiled attempt to do to Iran what it did to Iraq. "This fear is at the heart of the political inertia that has constrained political debate and allowed a hard-line reaction to take hold," Ansari writes. "No serious internal challenge will be contemplated while the very idea of Iran is considered under threat. Many in the West are too easily impressed by the Islamic rhetoric that periodically emanates from the Islamic Republic to recognize that at the core what matters is Iran. Islam may be the means for some, but for the vast majority Iran is the end."

For Iranians, the coup of 1953 remains seared in national myth and memory, the fateful betrayal of Iranian democracy that exposed America's

ever-lasting perfidy. For Americans, the hostage crisis of 1979-1981 was a kind of mirror image, a permanent scar in our collective psyche that has cast Iran as forever beyond the pale. The hostage crisis is the subject of a huge new book called *Guests of the Ayatollah* by Mark Bowden, best-selling author of *Black Hawk Down* and *Killing Pablo*. Bowden's formidable reporting and narrative skills have produced a vivid and sometimes gripping recreation of the hostages' ordeals and those of the mostly hapless decision-makers in the Carter administration.

But to what end? At a time of renewed crisis with Iran, what insight can we gain from this event with the benefit of hindsight? What can we learn about Iran that would help us confront the challenge we face today? Here Bowden has little to offer. Even as he succeeds in rekindling the old heat, he sheds disappointingly little fresh light on the Iranians, then or since. Because Bowden is a journalist of considerable stature and his book is likely to reach a large audience, his account of the hostage affair is worth considering in some detail. (Full disclosure: I have spent the last three years working on a book of my own about the hostage crisis, focusing on political careers of the surviving Iranian hostage-takers, some of whom have emerged in middle age as prominent figures in Iran's embattled reform movement.)

Bowden has done extensive original reporting on the hostage crisis itself, but very little systematic reporting on subsequent events. He has spoken to scores of Americans, but he's done only limited reporting in Iran itself — barely more than a dozen interviews, by his own account, in two brief trips to Tehran. He appears to have consulted no Persian-language sources, of which there are many.

The hazards of such limited reporting in Iran are only too evident. The book is entirely impressionistic on the country itself, and wrong in important respects. It draws no distinction, for instance, between the regime's propaganda and popular

opinion. Bowden gives the reader no basis for knowing that a great many Iranians, including most of the former hostage-takers, despise the current regime.

Bowden does mention that several of the hostage-takers are now "reformers," but he gives the reader almost no information on what Iran's reform movement is all about, who supports it, or what it has been through — the arrests (including of several prominent hostage-takers), the press closings, the beatings. Bowden seems to have missed altogether what to me is the most interesting and surprising aspect of the hostage-takers' careers, namely that Iran, of all places, has produced what many still view as the most

evolution from student militants to leading democrats would certainly seem to call into question how well we understand large abstractions like "militant Islam."

Indeed, one important question he completely ignores is what Iranians, at this late date, have to say about "Islam." Instead, he settles for the familiar broad-brush abstraction, beginning with his subtitle: *The First Battle in America's War With Militant Islam*. Two other post-September 11 books about the hostage crisis strike the same opening chord. David Harris's *The Crisis* (2004) was subtitled *The President, the Prophet, and the Shah: 1979 and the Coming of Militant Islam*. David Far-

cal assassinations, detention abuses, and student beatings of the past decade. It's a story told by a courageous feminist lawyer who was herself detained in Tehran's notorious Evin prison, and who has represented the families of many prominent victims, including the family of the Canadian photojournalist Zahra Kasemi, who was beaten to death in police custody in 2002.

It's a troubling story, to be sure, and it certainly puts in doubt the religious piety of those who claim to be acting in the name of God. And yet, as her mixed-message title suggests, Ebadi places herself within a much larger tradition of activism and yearning for democracy and the rule of law, a powerful undercurrent of Iranian society that is highlighted in all these books. It is that deeply rooted tradition, often frustrated yet remarkably resilient, that gives her cause for hope. It is also what makes Ebadi and all these other Persian-speaking writers deeply apprehensive about American threats against Iran. "The threat of regime change by military force, while reserved as an option by some in the Western world, endangers nearly all the efforts democracy-minded Iranians have made in these recent years," Ebadi writes. "The threat of military force gives the system a pretext to crack down on its legitimate opposition and undermines the nascent civil society that is slowly taking shape here. It means Iranians overlook their resentment of the regime and move behind their unpopular leaders out of defensive nationalism. I can think of no scenario more alarming, no internal shift more dangerous than that engendered by the West imagining that it can bring democracy to Iran through either military might or the fomentation of violent rebellion." ■

Bill Berkeley is the author of The Graves Are Not Yet Full — Race, Tribe and Power in the Heart of Africa (2001). He teaches writing at Columbia's School of International and Public Affairs, and is writing a book about the Iranian hostage-takers.

For all its bluster, most experts on Iran insist, the Iranian leadership is not irrational.

promising (if currently embattled) democracy movement in the Muslim Middle East, and that the hostage-takers, of all people, have emerged as some of its most prominent early leaders.

Bowden's broader conclusions about the hostage-takers seem wrong to me, and he contradicts some of them with his own evidence. How they feel about their role in the hostage affair does not, as he observes, tend to define where they stand in Iran's political spectrum. Those who defend their role in the embassy seizure include prominent figures who have long since fallen out with the mullahs. Those who are ambivalent about their role include some who, far from staying in the shadows as Bowden says, have been leading journalists and reform strategists, including Abbas Abdi (who was recently released after two years in jail) and Saeed Hajjarian (the so-called "brains of reform," who was shot in the face and paralyzed). Bowden seems not to have reported at all on the obvious question of how those folks fell out with the regime, and why? And he seems never to have asked, What are we to make of it? Their counterintuitive

her's *Taken Hostage* (2004) was likewise subtitled *The Iran Hostage Crisis and America's First Encounter With Radical Islam*. The apparently irresistible abstraction tells us very little.

Bowden writes of "the nation's undying disdain for its once-favorite ally," but in fact, if you scratch beneath the surface of Iran, you find that many Iranians admire America and love Americans, if not always our government. He writes of "the different ways this event [the hostage crisis] is remembered in Iran and in the United States," and says that "many Iranians" remember it as an "unalloyed triumph" that has become "a keystone of the national mythology." But that is government propaganda that most Iranians seem to deplore.

For a more clear-eyed, authoritative, and compellingly written account of the human rights situation in Iran, we now have *Iran Awakening: A Memoir of Revolution and Hope*, by the 2003 Nobel Peace Prize winner Shirin Ebadi. Co-authored with Azadeh Moaveni, Ebadi's memoir provides an unusually intimate look at some of the most infamous politi-

SECOND READ

BUILDING BRIDGES

ROBERT W. SNYDER ON J. ANTHONY LUKAS'S *COMMON GROUND*
AND THE AUTHOR'S DETERMINATION TO WRITE WITH EMPATHY

J. Anthony Lukas's *Common Ground: A Turbulent Decade in the Lives of Three American Families* has been rightly praised as the work of a reporter who fused journalism and history to produce one of the best books ever written about an American city. Imitated but never surpassed since its publication in 1985, it stands on Lukas's extraordinary talents as a reporter and writer and his subtle grasp of a complex conflict over racial integration. Perhaps most important, it reflects Lukas's rebellion against hard news and objectivity, which was invigorated by a trait that is rarely counted as a journalistic virtue — empathy. For all of *Common Ground's* reportorial and literary strengths, it is Lukas's ability to put his readers in other people's shoes that gives the book its enduring power. This is a virtue worth recovering today, when news organizations cultivate lucrative but narrow slices of the public and Web journalism caters to sharply exclusive points of view.

In *Common Ground*, Lukas told the story of Boston's bitter struggles over busing for school integration through the experiences of three families — the African American Twymons, the working-class Irish American McGoffs, and the middle-class Yankee Divers. While Lukas's elegant writing gave the book a compelling narrative, the braiding of the three families' stories gave it a human dimension. Lukas's prodigious research set the people of *Common*



THE NEW YORK TIMES PHOTO ARCHIVES

Lukas at work in the New York Times newsroom in the late 1960s

Ground in the multiple contexts of personal history, family history, and what he called "tribal" history — the history of their ethnic group and its memories. For a book on racial and ethnic conflict, this could move readers from saying "How can they do that?" to "What would I do in their circumstances?"

At the same time, the book owes much to Lukas's penchant for asking himself "How can I improve my journalism?" His answer, amid the conflicts of the sixties and seventies, was to survey

the gap between American ideals and American realities.

Lukas's own career straddled two traditions in American journalism. He became a reporter in the fifties, in an era, as Daniel Hallin has observed, when "the belief ran strong that a professional elite could report the news rationally, without bias or subjectivity, that it could serve all of American society and indeed all of the Free World, that it could simultaneously be independent and firmly anchored in the institutional structure of society — equally a 'watchdog' and a 'fourth branch' of government." Yet Lukas first flowered as a reporter in the sixties and early seventies, when the literary quests of the New Journalism and the tumult of Vietnam, the civil rights movement, and Watergate sparked a questioning of newsroom objectivity and

We talk of books standing the test of time. SECOND READ is an exploration of that maxim — journalists reflecting on books that shaped their own work, or whose lessons remain relevant.

sharp scrutiny of journalism's claims to independence.

Consequently, to create *Common Ground*, which occupied him from the mid-1970s into the 1980s, Lukas had to jettison the worst elements of conflicting tendencies in journalism — the old muzzling of the reporter's voice in the name of objectivity, and the self-indulgence of first-person journalism. Then he had to reconcile their strengths — the hard-news commitment to factuality and the new journalists' experiments with literary form. He also had to develop the research skills and analytic perspective of a historian.

In 1967, five years after he joined *The New York Times*, Lukas was assigned to cover the story of Linda Fitzpatrick, an eighteen-year-old girl from an affluent family in Greenwich, Connecticut, who was murdered in New York City's East Village. Lukas discovered the chasm between the way Fitzpatrick's suburban parents understood their daughter's life and Linda's bleak hippie existence in the Village. To highlight this, he proposed publishing his article in two typefaces — roman for her parents' perspective, italics for hers. When editors at the *Times* resisted, Lukas desperately telephoned metropolitan editor Arthur Gelb, who backed him; the piece ran in two typefaces. Lukas won a Pulitzer Prize for a story that achieved on a small scale what he would do again in *Common Ground*: introduce strangers to one another.

Yet Lukas's successful rebellion against the *Times*'s house style in the name of greater reportorial autonomy and latitude was short-lived. His next big assignment for the paper was to cover the Chicago conspiracy trial, where a collection of radicals was charged with inciting riots at the 1968 Democratic Convention. Lukas was much more a moderate than a liberal. Still, he felt that the *Times*'s codes of newswriting inhibited the kind of

searching reporting needed to cover the conflicts that gripped the Chicago courtroom. Once, during the trial, Lukas went so far as to refuse to write a story as the *Times* had requested because he thought it to be "virtually stenographic." Out of his experiences emerged the book, *The Barnyard Epithet and Other Obscenities: Notes on the Chicago Conspiracy Trial*, published in 1970. The title was taken from an incident in the trial when

Lukas thinking about writing a book organized around one or more families. The proper story came to him when he read in 1974 how an angry crowd drove Senator Edward M. Kennedy from a podium in Boston with boos and hurled eggs and tomatoes before he could explain his support for school busing. "I remember asking myself," Lukas recalled later, "What in the world is going on when Ted Kennedy is driven to shelter by his

'I wasn't just writing a book about busing, I was filling a hole in myself.'

a defendant described a deputy police chief's testimony as "bullshit" and the *Times* refused to print the word.

In an oral history interview for the American Jewish Committee, Lukas recalled the words of Norman Mailer during the trial and reflected on how they influenced his understanding of journalism:

He was chastised by the young assistant U.S. attorney for embroidering an answer and he said to this young prosecutor, 'Facts are nothing without their nuance, sir.' And I think that, in my view, is the single most important piece of advice that any journalist could be given. You know, facts are nothing without their nuance. That is the trouble, it seems to me, with the whole concept of objective journalism — that the facts may be the same but the nuance differs from journalist to journalist. So ultimately there doesn't seem to me there is any such thing as objective journalism. *The New York Times* often solves this problem either by removing the nuance altogether or by substituting the editor's nuance for the reporter's nuance and calling it objectivity.

Lukas's respect for nuance and complexity deepened after he read C.D.B. Bryan's *Friendly Fire*, a nonfiction book about an Iowa farm couple's search for the truth about their son's death in Vietnam. Reading Bryan's book also got

'own people,' Boston's Irish Catholics?" *Common Ground* sought to answer that question.

Lukas had entered journalism when a reporter's detachment from a story was considered a sign of professionalism. In Boston's busing crisis, however, he found a story that worked for him because it touched him so deeply. Lukas's first love had been not journalism, but theater. And the busing story, with its public demonstrations and private passions, was a highly theatrical subject. It also addressed a question that had first dogged him in his days as a government major at Harvard: "How much consensus on fundamentals is necessary in a society in order to keep it stable?"

Boston's struggles over community identity in the face of integration were also echoed in a void in Lukas's own life. Lukas's youth was shadowed by his mother's suicide, his father's confinement in a sanitarium for tuberculosis, and his own years in a boarding school. He later described himself as a man without a community. "I wasn't just writing a book about busing," he said. "I was filling a hole in myself."

To understand the three families and their city, Lukas immersed himself in books, archival research, and interviews. His long kitchen-table conversations in Charlestown with Alice McGoff about "the haves and have-nots," as she put it, heightened his ap-

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IDEAS & REVIEWS

preciation of class in Boston's tangle of inequalities.

Years later, and despite their differences, the three families, in public comments and interviews with me, have described the same man. He was a "patient" man, as Alice McGoff put it. He talked with her family around the kitchen table and "tried to be very fair." Joan Diver recalled how "his questions evolved organically in response to the answers, never formulaic or

suburban families would not have to live with the direct consequences of integration. Lukas grasped the importance of race in Boston and in American life — *Common Ground* begins with the three families' different reactions to the assassination of Martin Luther King Jr. — but he grew to recognize how the challenges of dealing with the turmoil around integration were unevenly distributed by social class.

He illuminated the contradictions that could exist within one family or neighborhood.

programmed." Cassandra Twymon, a daughter in the Twymon family, said, "Nobody believed what I was telling them. I sat down and talked to Tony and Tony believed what I was telling him. I told him I was scared. I told him I was frightened. I told him they weren't teaching me anything. He said, 'You keep going.' Tony was a very big inspiration in my life."

At the same time, Lukas became convinced that "in order to understand what we do in the present, it's important to understand that our current actions are formed in significant part by the influence of this weight of history." Lukas traced his families back in time. He also met frequently with Thomas Brown, then a professor of history at the University of Massachusetts at Boston, for long talks on Boston and its Irish. If Lukas came to Boston with standard liberal notions about race relations, Brown recalled, his experiences in Charlestown led him to see a more nuanced picture.

Lukas learned how the working-class Irish Americans, whose children were in the middle of the busing crisis, felt betrayed by middle-class Irish Americans, like Judge W. Arthur Garrity Jr., the architect of the busing plan, whose

Lukas's book reflects his deep, subtle thinking about the issues that confronted Boston, but his conclusions are offered with little overt analysis because he wanted the families' voices — not his voice — to be the loudest.

For Lukas, balance was more than mechanically providing two sides to a story. To convey his points, Lukas etched contrasting scenes and stories with powerful implications. He illuminated not just the contrasts between characters but the contradictions that could exist within one family or neighborhood. *Common Ground*, for example, offers no extended discussion of the tension between the rough and the respectable among African Americans. It does deliver an unforgettable portrait of the determinedly respectable Rachel Twymon, flush with the excitement of having just seen the play *Hello, Dolly!*, unable to get a taxi to take her home to her housing project on an icy night. It also shows her sons drifting into muggings, burglaries, and hustles; their preferred targets were white professionals, like the Divers, who lived only blocks away.

For all their differences, the people Lukas described shared a desire for community. Yet in the

Boston of the 1970s, with its segregated schools and court-enforced busing as the solution, community clashed with equality before the law. Watching people work through the agonies of this impasse moved him not from right to left or left to right, he said, but "from the party of simplicity to the party of complexity."

Of course, there were limits to Lukas's approach. At times, the "lessons" conveyed through his narrative, which "seep out through the interstices of the three families," as he put it, are so subtle that readers may miss them. At points, the historical background on the families shades into ancient genealogy, with little connection to the present. The book is far more effective in its portrayal of recent history, where Lukas shows persuasively how memories and patterns in ethnic history shaped his characters in Boston. But these are modest flaws in a superior book.

As James Carey, the late Columbia journalism scholar, once argued, journalism is more than an information industry. It is also charged with conducting the conversation of our culture. In *Common Ground*, Lukas showed us how to conduct that conversation between the covers of a book that is utterly factual, passionately committed to its time and place, and open to all points of view. In refusing to take sides, in declining to frame his story as a conflict between good and evil, and in refraining from offering policy solutions, Lukas sculpted an enduring narrative that grasped the tensions and contradictions of Boston in years of crisis. In his fundamental commitment to empathy he didn't tell us how to solve a problem. He told us how to write and think about a problem. ■

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IDEAS & REVIEWS

BOOKS



THE VITAL TROUBLEMAKER

A NEW BIOGRAPHY OF I.F. STONE REMINDS US
THAT ACCESS ISN'T A REPORTER'S BEST FRIEND

BY ANTHONY MARRO

It's tempting to speculate how I.F. ("Izzy") Stone would have fared in the electronic world, able to reach millions instantly with the push of a button rather than schlepping his bundles of newspapers from the printer to the post office and then sending them off to individual subscribers by second-class mail. Fortunately, Myra MacPherson has resisted the temptation.

Speculation is a parlor game and honest biography is history, and it's the history she's produced that has important lessons for the present. It's not the first word on Stone (she credits earlier works by Andrew Patner and Robert Cottrell) and it won't be the last (D.D. Guttenplan's biography is nearing completion). But it's quite timely because *"All Governments Lie"* is being published at a time when reporters and editors everywhere are still asking themselves how they could have been so unquestioning about the existence of weapons of mass destruction in a country that, it seems



"ALL GOVERNMENTS LIE":
THE LIFE AND TIMES OF REBEL
JOURNALIST I.F. STONE
by Myra MacPherson
Scribner
592 pp. \$35

clear, had been so effectively disarmed in the first gulf war that it barely had weapons of self-defense.

Stone likely could have told them just how and why they went wrong. For as MacPherson documents in this valuable book, his life's work was not only advocating liberal causes but also exposing government lies and deceptions, and attacking attempts by the government to intimidate and silence its critics. Her work is not only a biography of Stone but a detailed history of government attempts to manipulate public opinion through much of the twentieth century. It includes reminders that the mainstream press often was unable or unwilling to effectively counter them, at least in the short run, and argues that troublemakers like Stone are vital to a democracy.

The second part of Stone's *"All governments lie"* quote is: "but disaster lies in wait for countries whose officials smoke the same hashish they give out." Three years later, it's still not clear whether the

JACOBI/CELA GILBERT FAMILY COLLECTION

Bush administration actually believed what it was telling the rest of us. Stone himself might not have been able to sort it out either, but he would have worked very hard trying. There's much that journalists of every stripe — from the most committed advocates of objectivity to the anarchists of the Internet — can learn from this book.

I.F. Stone was born Isador Feinstein in Philadelphia in 1907, the son of a father who had deserted from the Russian army at the start of the Japanese war and a mother who had emigrated from Odessa. Just where Stone's radicalism came from isn't certain since he seldom talked or wrote about his youth. But MacPherson believes it was rooted in the persecution of Jews in the czarist Russia of his parents, and nurtured by the success of turn-of-the-century reformers and muckrakers. He dropped out of the University of Pennsylvania mainly because he preferred working at *The Philadelphia Inquirer*, and never left journalism despite two afflictions that would seriously handicap most reporters, terrible eyesight and worse hearing. And after the New Deal ended he had few, if any, high-level Washington sources. He was considered such a radical (and was under such constant FBI surveillance) that many officials feared their careers could be destroyed if they were even caught talking to him. He did, however, have great insight, and sometimes considered the lack of sources more a blessing than a curse. "Establishment reporters undoubtedly know a lot of things I don't," he once said. "But a lot of what they know isn't true."

While Stone said often that all governments lie, he also knew that governments in democracies reveal a great deal. He read voraciously with the help of thick glasses and often a magnifying glass, transcripts of congressional hearings and agency reports in particular. He knew that there was always someone somewhere deep in the bureaucracy who knew what was really happening — or at least knew

pieces of it — and that eventually it would be put into writing and then would be made public. It was a matter of finding the right pieces and connecting the right dots. "He sat at home and read everything in the goddamn world," David Brinkley said. "He was always quoting some report of some obscure agency you never knew about — and distilled it into something interesting." He also knew how to spot what others missed in their own reporting. He once told David Halberstam that *The Washington Post* was a particularly exciting paper to

for *The Philadelphia Inquirer*, *PM*, *The Nation*, and the *New York Post*, among others) but not always in newsrooms. Most of his work during the eighteen-year run of *I.F. Stone's Weekly* was done from his home. It was very lonely at times, MacPherson says, because the phone seldom rang and many establishment reporters regarded him as "a scruffy nag to avoid."

He was an advocacy journalist in every sense of the word, spending most of his days preaching to the already converted. He had built the core readership of the *Weekly* from

'He had no sense of humor that I could discern. He was a very self-centered fellow.'

read because "you never know on what page you would find a page-one story."

More important, he knew that you couldn't become friendly with people you covered and still do a credible job. Murray Kempton said often that reporters are incapable of reporting honestly on people they call by their first name. Stone put it more colorfully. In the 1974 film documentary, *I.F. Stone's Weekly*, there is a scene in which the ABC White House reporter is seen playing tennis with Nixon's press spokesman, Ron Ziegler. "If you're one of the crowd," Stone says as the tennis balls fly back and forth, "you find yourself at dinner parties agreeing with people, a lot of half-baked nonsense, you shake your head very wisely and people see you shaking your head wisely, and pretty soon, you know, you're caught up in the God-damnedest mess of crap anybody ever got caught up in."

He stayed at arm's length even from officials he admired, started out with the assumption that what the government was saying wasn't entirely true, and found ways of getting the government itself — in its own official documents and in its own words — to confront its own lies.

Stone spent his whole adult life in journalism (he worked for the *Camden Courier* in New Jersey while still in high school, and then

what Victor Navasky calls the "ghoul list" of subscribers to earlier leftist publications that had died. Probably the only readers of the *Weekly* who didn't share his views on McCarthyism, the cold war, Vietnam, and civil rights were the FBI agents assigned to track him. He did some very good reporting over the years, but his strongest voice was as an editorial writer, columnist, and essayist. The famous David Levine caricature shows Stone in his Coke-bottle glasses and carrying a shovel, lifting the dome off the capitol and exposing the snakes and muck and money underneath. But Stone himself said that the real job of a free journalist in a free society wasn't digging up dirt. Rather, he said, it was to "provide greater understanding of the complexities in which your country and your people and your time find themselves enmeshed."

Today, some consider him a forerunner of honest bloggers. In his time, he was seen more as a pamphleteering descendant of Tom Paine. But in either role, he approached it as an iconoclast, a maverick, and at times a contradiction, describing himself as a "pious Jewish atheist" and as a socialist who hated collective action.

At one point in the twenties he in fact was a member of the Socialist Party. He left it, he said, because "I

felt very strongly that a newspaperman ought not get too close to a party or he'd lose his independence." But that wasn't because he thought he should be detached. He believed journalists should serve the great currents of their time, and for Stone those were opposition to fascism (part of the reason for changing his name was concern that his criticisms would be discounted because of the Feinstein by-line), a commitment to civil rights, support for the creation of Israel (and a later concern about the treatment of Palestinians), and attacks on the whole range of harassments and intimidations inflicted on citizens by Joseph McCarthy, Hoover's FBI, and the House Un-American Activities Committee, which he seemed to consider America's Cossacks. He was an early critic of the Gulf of Tonkin Resolution, which he called a sham, and the whole Vietnam War. "How do you win a war in a peasant country on the side of the landlords?" But he was very slow to criticize the horrors of Stalin's gulag (more on this later), and even at the time of Stalin's death was still calling him a "giant figure" and a "great leader."

Late in life, particularly after the documentary *I.F. Stone's Weekly* was released, he became something of a cult figure, seen as wise, witty, and engaging, and a source of inspiration to a whole generation of younger journalists. Some who had known him in earlier times hadn't always seen him that way. Penn Kimball, who had worked with him at *PM* and later taught for many years at Columbia, admired his tenacity but said that "he had no sense of humor that I could discern. He was a very self-centered fellow." Robert Sherrill said that there were "little shit" aspects to his personality. And Shirley Katzander, another colleague at *PM*, considered him a humorless sexist. Asked about his personality, she told MacPherson that back when she knew him he didn't have one.

MacPherson acknowledges that Stone wasn't a feminist, and that particularly after he started work-

ing from home he expected his wife to wait on him and his family to accommodate him. "Father and his work were one, and to that one we were all of secondary importance," his daughter Celia wrote. "When father napped, we tiptoed; when he was hungry, we ate." When Celia and Walter Gilbert eloped and secretly borrowed Stone's car to do it, his response when they called to tell him what they had done was: "This may be a joke or serious, but get the car down here. I need to deliver the papers!"

Stone is more deserving of a statue in D.C. than most of the generals there.

In MacPherson's book, however, he has many more admirers than detractors. The Stone she describes was "braver than most" because he took on J. Edgar Hoover (Murray Kempton); "strong-willed, courageous, tough-minded, with hugely high standards for himself" (Peter Osnos); and charming because "he never accepted the idea that in order to be a heretic, a maverick, a solo practitioner, it was necessary to be a martyr or a monk" (Victor Navasky). Despite the *Weekly's* small circulation, he had considerable impact because his writings helped organize and shape liberal thinking on national issues through much of six decades.

He also made a decent living at it. In 1927, he already was earning \$40 a week at *The Philadelphia Inquirer*, which was very good money at the time. In the depths of the Depression, Stone, according to a friend, was making \$125 a week at the *New York Post* while many reporters were working for \$15 a week. By the time he closed the *Weekly* (which had become a bi-weekly) in 1971, it had a circulation of 70,000 and was grossing what in today's dollars would be about \$1.4 million a year.

Stone said he never actually joined the Communist Party, although he said late in life that he had been "a fellow traveler." And

while he was slow to criticize Stalin in the thirties and forties, from 1956 on he became a strong critic of Russian communism. That needs to be noted because a thick section of MacPherson's book is devoted to refuting charges that surfaced after his death in 1989 that during the World War II years Stone had been a Russian spy. The evidence was skimpy and vague — two 1944 KGB memos discussing meetings with an American journalist identified with the letter "I" — and both D.D. Guttenplan, writing in *The Nation*, and Cassandra Tate, writing in *CJR*, seemed to

have effectively discredited it more than a decade ago. But MacPherson felt the need to address it at length, she said, because the vilification is being kept alive in the blogosphere and repeated by people like Robert Novak and Ann Coulter, for whom she has even harsher words than they often use about others. Of all of her sources, MacPherson seems to have found the FBI the least useful. Much of the FBI surveillance time seems to have been spent listening to Stone shout "What did you say?" to whoever was on the other end of the phone. The 5,000 pages in his file included little she found worth working into her book, but they did show that even the FBI didn't believe he was a spy, concluding that he was far too open in his association with Communist front groups to conduct any espionage.

MacPherson's view is that he was a national treasure, probably more deserving of a statue in Washington than most of the generals there. That's not likely to happen, but if it did, a good place for it might be in front of the Government Printing Office. It could show him peering through a magnifying glass at one of its reports, because that's where he got many, if not most, of his scoops. ■

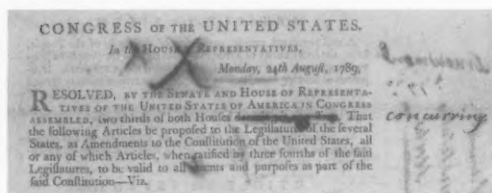
Anthony Marro is a former editor of Newsday.

IDEAS & REVIEWS

PASSAGES

SLEEPING WITH THE FISHERIES

In what has to be the most understated announcement in the nation's history, Secretary of State Thomas Jefferson informed governors of all the states on March 1, 1792, that the amendments had been approved: "I have the honor to send you herein enclosed, two copies duly authenticated, of an Act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein; also of an Act to establish the post office and post roads within the United States; also the ratifications by three fourths of the Legislatures of the Several States, of certain articles in addition and amendment of the Constitu-



First page of the Senate's working draft of the Bill of Rights, September 1789.

tion of the United States, proposed by Congress to the said Legislatures."

Jefferson's backhanded announcement — putting the notice about laws on fishing and the post office before the news about the Bill of Rights — may have reflected the

ambivalence shared by many over whether amendments should be added to the Constitution so soon after its birth. But if their arrival was inconspicuous, their importance in American history would not be.

from **JAMES MADISON AND THE STRUGGLE FOR THE BILL OF RIGHTS** by Richard Labunski
Oxford University Press. 336 pp. \$28

DISPLACED OPPORTUNITY

The spectacle of Katrina is powerful and compelling in part because there are so few opportunities to openly discuss the working of race and class at the national level. The rarity of these events may help to explain why the discussions they generate tend not to break new ground. We engage in a routine pattern of responses and counterresponses as these cases — e.g. the O.J. Simpson criminal trial, the LAPD/Rodney King case, and Katrina — play themselves out on the big stage. These responses include arguing about whether race affected the outcome of events; hand-wringing over polls that show a racial divide between blacks and whites; discussing the extent to which



there has been racial progress in the country; and predicting whether we are likely to repeat the same mistakes the next time around. By the time this exhausting and contentious process has run its course, there is little energy or will to dig further and ask what justice means and how we would know it if we saw it. It is this extra digging, however, that provides us with the possibility for real change, for transformative justice.

Katheryn Russell-Brown in
AFTER THE STORM: BLACK INTELLECTUALS EXPLORE THE MEANING OF HURRICANE KATRINA

Edited by David Dante Troutt
The New Press. 288 pp. \$22.95

DAILY GRIND

Gordon Manning, the managing editor for the front-of-the-book, at *Newsweek*, was a manic newspaperman from Boston. Manning was revered and reviled for his uninhibited cascade of ideas — many good, a few unspeakable — and for the relentless pressure he put on correspondents, writers, and editors. He had served his own apprenticeship under John Denson, a querulous newspaperman. Gordon liked to tell the story of being summoned into Denson's presence with a researcher to hear the editor's dissatisfaction with a cover story. Denson had a habit of grinding his teeth when he was upset, and he was very upset with Manning.

When the chief subsided, Manning and the girl retreated to Manning's office.

"What was he chewing on all the time?" she asked.

"My nuts," said Gordon cheerfully.

from **IT'S NEWS TO ME: THE MAKING AND UNMAKING OF AN EDITOR**

by Edward Kosner
Thunder's Mouth Press. 352 pp. \$25.95

A BIG HEAD OFFICE

On August 15, 2001, ten weeks before my book, *How to Lose Friends and Alienate People*, about my time at *Vanity Fair*, was due to be published in Britain, I received a call from Graydon Carter's assistant asking me to e-mail over those passages that mentioned him. I was reluctant to comply because I didn't want to get into a quarrel with Graydon about the book's contents, but there was no point in refusing because he could easily have obtained a copy of the manuscript from somewhere else, given his publishing connections.

After some hesitation, I decided to e-mail him the entire book. Two weeks later, I got an e-mail from Graydon asking if it was too late to make any "corrections." I could hear the unmistakable sound of a can of worms being opened, but I also felt an obligation to hear him out. After all, he'd been a pretty generous employer for the best part of three years. So I asked him what he had in mind. I imag-

ined that he would want to address my argument in chapter fifteen ("The 600-pound gorilla") that he had crossed over to the dark side since his days as the coeditor of *Spy*.

In fact, he was less concerned with the charge that he'd sold out and more interested in stressing just how high a price Si Newhouse had paid. I received a lengthy e-mail back containing twenty-four corrections, of which the following — number two — was fairly typical: "Not to be unduly picky, but on page thirty-eight, you state that Art Cooper's office was bigger than mine. I never took a tape measure to Art's office, but it was generally acknowledged within the building that I had the largest of any editor's office."

from **THE SOUND OF NO HANDS CLAPPING:
A MEMOIR**

by Toby Young

Da Capo Press. 288 pp. \$24.95

BANISHING ACTS

In 1966, after almost two years on the air, *The Addams Family* was abruptly canceled. Though the show had remained popular with kids, it had not been a ratings success, or even remained in the top twenty-five after the first six months.

In the end, Addams's biggest complaint was not about the television show, which ultimately earned him \$141,276 from episodes, reruns, merchandise, royalties, and foreign rights, and which he came to think "was quite good." He recognized that *The Addams Family* had "reached a lot of people" who would never have discovered his cartoons through *The New Yorker*. The real damage had come from the magazine itself. Not only was the producer of *The Addams Family* not allowed to use *The New Yorker's* name in connection with the show: once *The Addams Family* appeared on television, William Shawn would no longer publish Family drawings in *The New Yorker*. As Shawn seemed to see it, vulgar Hollywood had compro-



mised Addams's evils. "I don't think we want to revive them," he told Addams in his mild way after Addams submitted a Family cartoon. And so the Family's twenty-six-year run in *The New Yorker* abruptly ended. Shawn even returned the rights to Addams.

Addams was bitter about it.

Over the next seven years, he rebelled a little, managing to slip a few pale echoes of the Family past the magazine's Praetorian guards. In November 1966, Pugsley turned up on a city sidewalk driving a kid-sized car towing away another tiny car. Benignly drawn versions of Uncle Fester's round, hairless head appear in a panel drawing of a caped man tossing a coin into a wishing well and exploding it, and again on an Orient-Express-like train filled with exotic characters and one normal-looking misfit ("No, this is not the 12:38 to Bridgeport," the conductor tells him). A witty 1971 homage to the Family showed a hairy creature on skinny birdlegs standing in a bookstore reading *The Sensuous Thing*. Addams couldn't resist chortling about sneaking in a Family reference unbeknownst to *The New Yorker's* editors.

from **CHARLES ADDAMS:
A CARTOONIST'S LIFE**

by Linda H. Davis

Random House. 400 pp. \$29.95

SCENE

The war down the street

BY BASSAM HADDAD

When I left Washington, D.C., in June 2006 to continue filming a documentary on the war on terrorism, I hadn't thought I'd be so close to an F-16 jet fighter, much less within its firing range. On the dawn of July 14, the third day of Israel's air raids on Lebanon, it felt as though the jet was going to ram directly

into my ten-story building in southeast Beirut. The thundering of the Israeli F-16 was beyond frightening, even to someone who had witnessed the 1982 Israeli invasion of Lebanon, as I did as a teenager.

This time, twenty-four years later, I happened to have a video camera. More than that, all the satellite channels in the Middle East and beyond were well positioned to document every raid, every missile, every corpse. Not only was the war hypertelevisioned, but the media were part and parcel of it. I was in the middle, capturing a simultaneous glimpse of both the war and its representation.

My apartment is in Christian "east Beirut" but on the dividing line with southern Beirut, known as *al-Daabyeh* (suburb), Hezbollah's stronghold. I was awake all night — as was everyone else — listening to air raids and the anti-aircraft missiles. I could hear the planes approaching, right above us. The first two raids I got ready to capture what I could with my camera, but then got scared and went inside. These planes were terrifyingly loud, and the bombs were landing nearby, shaking the entire building. By the third raid I was desensitized, and stayed on the balcony, capturing the missile hitting near Mar Mikhael (St. Michael) Church right down the street, with my video camera. I ran from one balcony to the other to catch glimpses of the planes, missiles, explosions, smoke . . . anything to determine whether human beings in planes were indeed striking other human beings. In the silences between explosions, as I zipped back and forth, I could-



The view from the author's balcony

n't help but notice that the al Jazeera reporters on TV were announcing more impending Israeli air raids. They would then show footage of distant smoke and explosions. I would then go to the balcony, film the air raid, and then go inside and watch live Jazeera and Arabiyya satellite coverage of the same action.

I ran from the balcony to the television

about twenty times, filming outside and filming the TV screen, often simultaneously through the window. Reporters would announce that Israeli jet fighters were approaching Beirut, then I would hear the thundering jet fighters, then I would see them, or their traces, and finally I would film their missiles destroying bridges, buildings, roads, and churches, killing scores and injuring dozens.

After 7 a.m. I finally went to sleep, with one thought on my mind: What will I wake up to? How many people will die while I sleep? (Okay, two thoughts.)

What I remember most is the unbelievably close sound of the explosions, then the smoke directly in front of me. Israel is real; the bombing was real; millions of people were terrified, held under siege, and cut off from the outside world by the destruction of airports and main roads to neighboring countries. This is not TV. It is the hyperreality of state violence documented by the ubiquitous media, which are in turn being documented by another layer of representation, including mine, and others. I was at once subject and participant, observer and observed, witness and survivor. **GR**

Bassam Haddad is an assistant professor of political science at St. Joseph's University in Philadelphia and a scholar-in-residence at the University of Pennsylvania. He is coproducer/director of the documentary film, About Baghdad, and is directing a film series, "Arabs and Terrorism."

BASSAM HADDAD

The Lower case

Can a moron be president?

Consider the following scenario: four candidates are running for president in 2008. One is a pro-choice Protestant who believes in balanced budgets and would cut spending and lower taxes, but is divorced and remarried to someone who has also been divorced. The candidate is a pro-life, but increases



Cal Thomas
Columnist

phy. The poll found that while anti-Semitism and anti-Catholicism are fading among voters, anti-Mormonism is not. Thirty per

If Romney runs, he might consider following the example of another son of Massachusetts, John F. Kennedy, who addressed the issue of his Catholicism in a speech to the Houston Ministerial Association during the 1960 campaign. Kennedy said: 'I believe in an America where the separa

office they abide by America's political religion and that they place the Constitution and the rule of law first."

The poll results may reflect attitudes toward Mormonism that are similar to what non-Catholic voters thought about Catholics four decades ago. Some may get their impressions of Mormonism from the HBO series "Big Love," about

The Sunday Ardmoreite (Okla.) 7/9/06

A Williamsburg man was sentenced to 20 years in prison for raping his step-daughter Monday in Whitley Circuit Court.

Times-Tribune (Ky.) 7/13/06

Police seek man in assault with a baseball bat

The (Baltimore) Examiner 7/18/06

Man dies, 100,000 lose power

Milwaukee Journal Sentinel 9/14/05

Seven Indonesians Do Not Have Bird Flu

Medical News Today 8/3/06

Trout fisherman really are smart

The Joplin Globe (Mo.) 6/22/06

Confidence in courts depends on judges avoiding even appearance of impartiality

The Birmingham News (Ala.) 7/23/06

Murderer freed to rape boy aged 10

International Express (Great Britain) 5/2/06




Karen Duplessis and her son, Patrick, are Patrick Henry's ancestors.

USA Weekend 6/30-7/2/06

Ethiopian troops sent to Somalia for protection

Oakland Tribune 7/2/06



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The program is having a positive impact on diversity at Hearst and on the career paths of young talented journalists. A current Fellow observes, "An emerging journalist always looks for a lucky break and the Hearst Fellowship is exactly that."

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